

PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL
OF THE
UNITED PROVINCES
OFFICIAL REPORT

VOLUME LIII

February 19, 20, 22 to 27, 29, and March 1 to 3, 1932..



ALLAHABAD

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LEGISLATIVE COUNCIL, UNITED PROVINCES OF AGRA AND OUDH.

Friday, February 19, 1932.

THE Council met at the Council House, Lucknow, at 11 a.m.
The Hon'ble Sir Sita Ram in the Chair.

PRESENT (70) :

The Hon'ble Mr. E. A. H. Blunt.	Lala Shyam Lal.
The Hon'ble Nawab Sir Muhammad Muzammil-ullah Khan.	Kunwar Jagbhan Singh.
The Hon'ble Nawab Muhammad Yusuf.	Thakur Keshava Chandra Singh.
The Hon'ble Mr. J. P. Srivastava.	Chaudhri Ram Adhin.
Mr. J. M. Clay.	Mr. Bhondwa.
Mr. H. A. Lane.	Chaudhri Bharos.
Mr. P. Mason.	Rai Bahadur Babu Jagadeva Roy.
Mr. V. N. Mehta.	Mr. Dahari.
Mr. F. Canning.	Rai Rajeshwari Prasad.
Mr. J. R. W. Bennett.	Babu Adya Prasad.
Mr. A. H. Mackenzie.	Thakur Giriraj Singh.
Mr. R. D. W. D. Macleod.	Pandit Prem Ballabh Belwal.
Mr. C. St. L. Teyen.	Thakur Jang Bahadur Singh Bisht.
Rai Bahadur Pandit Suraj Din Bajpai.	Pandit Brahma Dutt <i>alias</i> Bhaiya Sahib.
Pandit Tika Ram Misra.	Rai Bahadur Thakur Hanuman Singh.
Mr. B. F. Oppenheim.	Lal Sheo Pratap Singh.
Mr. K. N. Knox.	Kunwar Diwakar Prakash Singh.
Mr. S. T. Hollins.	Thakur Muneshwar Bakhsh Singh.
Lieut.-Col. C. L. Dunn.	Raja Jagdambika Pratap Narayan Singh.
Mrs. J. P. Srivastava.	Rai Bahadur Kunwar Surendra Pratap Sahi.
Khan Bahadur Maulvi Fasih-ud-din.	Rai Rajeshwar Bali.
Rai Sahib Babu Rama Charana.	Shah Nazar Husain.
Mr. Perma.	Nawabzada Muhammad Liaquat Ali Khan.
Rai Bahadur Babu Awadh Bihari Lal.	Khan Bahadur Hafiz Hidayat Husain.
Chaudhri Ram Dayal.	Khan Bahadur Mr. Muhammad Ismail.
Chaudhri Jagannath.	Sirdar Muhammad Shakirdad Khan.
Chaudhri Baldeva.	Shaikh Muhammad Habibullah.
Chaudhri Ram Chandra.	Raja Saiyid Ahmad Ali Khan Alvi.
Chaudhri Ghasita.	Raja Muhammad Ejaz Rasool Khan.
Chaudhri Arjun Singh.	Rai Sahib Lala Anand Swarup.
Pandit Joti Prasad Upadhyaya.	Chaudhri Muhammad Ali.
Chaudhri Dhirya Singh.	Thakur Rampal Singh.
Honorary Lieut. Raja Kali Charan Misra.	Rai Bahadur Kunwar Bisheshwar Dayal Seth.
Rai Bahadur Brij Lal Badhwar.	Raja Jagannath Bakhsh Singh.
Rai Sahib Mannohan Sahai.	Rai Bahadur Babu Vikramajit Singh.

MEMBERS SWORN :

Mr. F. Canning.

Pandit Tika Ram Misra.

QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

MR. C. H. COOKE, COLLECTOR OF SAHARANPUR.

Q. No. Date.

*118 25-7-'31

*111 15-12-'31

*1. **Mr. Tappu** (*absent*): Will the Government be pleased to state what allowances Mr. C. H. Cooke, Collector of Saharanpur, is getting in addition to his salary? Is he getting any allowance for Court of Wards work? If so, how much? What has been his travelling allowance chargeable to Government and to the Court of Wards from January 1931 to September 1931?

The Hon'ble the Finance Member (Mr. E. A. H. Blunt): For the emoluments of Mr. Cooke the honourable member is referred to the Civil List. Mr. Cooke gets no allowance for Court of Wards' work. His travelling allowance is all charged to Government. It has been regularly charged and drawn under the rules.

*119 25-7-'31

*112 15-12-'31

*2. **Mr. Tappu** (*absent*): Are Government aware that the said Mr. C. H. Cooke is one of the juniormost I. C. S. with only about eight years' service?

The Hon'ble the Finance Member: Mr. Cooke has over ten years' service.

PANDIT LACHHMI NARAIN CHAUBEY, SPECIAL MANAGER, COURT OF WARDS
LANDHAURA ESTATE, SAHARANPUR.

*120 25-7-'31

*113 15-12-'31

*3. **Mr. Tappu** (*absent*): Is it in the knowledge of Government that Pandit Lachhmi Narain Chaubey, Special Manager, Court of Wards Landhaura estate, in the district of Saharanpur, is working in his present post for the last nine or ten years?

The Hon'ble the Finance Member: Pandit Lachhmi Narain Chaubey was the special manager of all the estates in the Saharanpur district including the Landhaura estate. He took over charge on March 18, 1925, and reverted to the regular line on February 1, 1932, and proceeded on leave from the same date.

SEPARATION OF LANDHAURA ESTATE.

*121 25-7-'31

*114 15-12-'31

*4. **Mr. Tappu** (*absent*): Are Government aware that a certain portion of the Landhaura estate had been separated from the main estate without the least justification regarding the title of new master of that portion?

The Hon'ble the Finance Member: On account of the strained feelings between the ward and his senior *rani* some villages gifted to her and purchased by the ward in her name were separated from the main estate after full consideration.

ELECTION AND NOMINATION OF WOMEN TO LOCAL BODIES.

9A 16-12-'31

*5. **Mrs. Kailash Srivastava**: Will the Government be pleased to state whether any women have been elected to the municipal and dis-

dict boards at the recent general elections? If the reply be in the affirmative, will they give the names of all such women, together with the names of the local bodies to which they have been elected?

The Hon'ble the Minister for Local Self-Government (Nawab Muhammad Yusuf): No woman has been elected to a district board. One woman, Shrimati Satyawati Devi, has been elected to the Meerut municipal board.

*6. **Mrs. Kailash Srivastava:** Will the Government be pleased to state if they have nominated or propose nominating any women to any municipal or district boards of the province? If so, whom and where?

*9B 16-12-'31

The Hon'ble the Minister for Local Self-Government: The Government have nominated Begum Habibullah to the municipal board of Lucknow, Mrs. Williams to the municipal board of Partabgarh and Mrs. Masud-uz-Zaman to the district board of Banda.

*7. **Mrs. Kailash Srivastava:** Will the Government be pleased to say what steps they have taken to ascertain whether suitable women are available to serve on particular municipal and district boards? Have they asked district officers to suggest names of suitable women?

*9C 16-12-'31

The Hon'ble the Minister for Local Self-Government: The Government have taken no direct steps to ascertain whether suitable women are available to serve on particular municipal and district boards, nor have they asked district officers to suggest such names. They are, however, always ready, as the answer to question No. 6 shows, to consider favourably the nomination of any suitable woman candidate who may be available.

*8. **Mrs. Kailash Srivastava:** Will the Government be pleased to state definitely their policy in regard to nominating women to local bodies under the powers vested in them by the existing Acts?

*9D 16-12-'31

The Hon'ble the Minister for Local Self-Government: The honourable member is referred to the reply given to question No. 7.

APPOINTMENT OF DEPRESSED CLASS MEMBERS IN VILLAGE PANCHAYATS OF ALMORA.

*9. **Rai Sahib Babu Rama Charana (absent):** Is it the intention of the Government to appoint at least two members of the depressed classes to be nominated by the Almora Shilpkar Sabha in each village *panchayat* of Almora as requested by the meeting abovementioned? If not, why?

*87 16-12-'31

The Hon'ble the Minister for Local Self-Government: Appointments to village *panchayats* are made by the District Officer. If the Sabha approaches the District Officer of Almora the Government have no doubt that he will sympathetically consider this request.

*10 & 11. **Rao Krishna Pal Singh (absent):** [*Withdrawn.*]

112 16-12-'31
and 113

BAREILLY MUNICIPALITY.

*12. **Babu Ram Bahadur Saksena (absent):** (a) In what year was Bareilly declared to be a municipality?

*129 16-12-'3

[Feb. 19, 1931]

O. No. Date.

(b) Is it a fact that non-Muslims had a majority of seats of elected members on the Bareilly municipal board ever since?

The Hon'ble the Minister for Local Self-Government: (a) 130

*130 16-12-'31

(b) No.

***13. Babu Ram Bahadur Saksena (absent):** (a) Is it a fact one of the nominated seats on the Bareilly municipal board was reserved for the Christian Mission of Bareilly?

(b) Is it a fact that this seat was held by the representative of Christian Mission for many years?

(c) Was Rev. Devadasan nominated to this seat? If so, from year to which year did he hold the seat?

The Hon'ble the Minister for Local Self-Government: (a) N

(b) It was held by a Christian but not as a representative of Christian Mission.

(c) Yes.

From December 1920 to December 1928.

*131 16-12-'31

***14. Babu Ram Bahadur Saksena (absent):** (a) Does the following passage occur in the annual administration report of the Bareilly municipality for the year 1922-23:—

"The Government exercises its power of direct nomination in respect of only one out of the two members it has got right to nominate directly. Its nominee is the Sub-Divisional Officer of Bareilly for the time being. M. E. Mission the one nominating body has nominated Professor Rev. Devadasan, M.A.

(b) Did the passage quoted above represent the correct state of affairs then prevailing in the Bareilly municipality? If not, was the mistake if any, pointed out in 1923?

The Hon'ble the Minister for Local Self-Government: (a) Yes.

(b) No. The fact that Professor Devadasan was nominated by Government and not by the Mission as representative of the Mission was not pointed out.

*132 16-12-'31

***15. Babu Ram Bahadur Saksena (absent):** (a) Did the local authorities recommend the name of a Christian gentleman for nomination by the Government in 1931? What are the grounds on which the recommendation was rejected?

(b) Is it a fact that the Government nominated Maulvi Ahmad Khan alias Budha Khan in 1931?

(c) Was he nominated for the seat reserved for Christians?

The Hon'ble the Minister for Local Self-Government: (a) The local authorities first recommended a Christian but it was subsequently found that he had been defeated at the preceding election and was thus debarred by law from nomination. They therefore made another recommendation.

(b) Yes, on the recommendation of local authorities.

(c) No seat is reserved for Christians.

*16. **Babu Ram Bahadur Saksena** (*absent*): (a) Is it a fact that Ahmad Yar Khan was nominated to represent the furniture merchants Bareilly on the board?

(b) Is Babu Bhairon Prasada an elected member of the Bareilly municipal board? Does he belong to a respectable family of furniture makers of Bareilly?

(c) Did the dealers in furniture ever demand any special representation on the board and is there any registered body to represent them?

The Hon'ble the Minister for Local Self-Government: (a) Yes

(b) No person of the name of Bhairon Prasada is an elected member of the Bareilly municipal board.

Does not arise.

(c) No; there is no registered body to represent furniture dealers. It is however open to Government to nominate on the municipal board representative of any special interest of the municipal area which has remained unrepresented on the board after the general election.

*17. **Babu Ram Bahadur Saksena** (*absent*): (a) On what date was Maulvi Ahmad Yar Khan nominated and on what date was his nomination notified?

*131 16-12-'31

(b) On what date did the election of the chairman take place in 1931?

The Hon'ble the Minister for Local Self-Government: (a) August 1, 1931, and September 3, 1931, respectively.

(b) September 8, 1931.

*18. **Babu Ram Bahadur Saksena** (*absent*): (a) Is it a fact that the post of the executive officer in Bareilly municipality has always been held by a Muhammadan and the elective office of chairman by Hindus? If so, was such an arrangement the result of any understanding between the representatives of the two communities?

*135 16-12-'31

(b) Is it a fact that the offices of both the chairman and executive officer are now held by Muslims?

The Hon'ble the Minister for Local Self-Government: (a) Yes.

The Government have no information of any understanding between the two communities on this question.

(b) Yes.

*19. **Babu Ram Bahadur Saksena** (*absent*): (a) What is the present strength of Muslims and non-Muslims on the Bareilly municipal board?

*136 16-12-'31

(b) What was their respective strength in the year 1930?

The Hon'ble the Minister for Local Self-Government: (a) Elected Muslims 11, elected non-Muslims 10, representative of special interest (Muslim) 1, representative of depressed classes (non-Muslim) 1, nominee of Rohilkhand and Kumaun Railway (Muslim) 1.

(b) Elected Muslims 9, elected non-Muslims 10, nominated Muslim 1, nominated non-Muslims 2.

O.No. Date.

EAST INDIAN RAILWAY ANGLO-VERNACULAR HIGH SCHOOL AT TUNDLA

*57-A 17-12-'31

*20. Rao Krishna Pal Singh: Will the Government be pleased to state—

(a) What is the constitution of the committee of the East Indian Railway Anglo-Vernacular High School at Tundla? How are the members and the office-bearers elected? What are the committee's powers and duties and how are they derived?

(b) Who is the president and what are his powers and duties?

(c) Who is the manager and what are his powers and duties? Does he hold any other office, if so, what and where?

The Hon'ble the Minister for Education (Mr. J. P. Srivastava)

(a) The Committee of the East Indian Railway Anglo-Vernacular High School at Tundla consists of—

(1) Divisional Superintendent—President (*ex officio*).

(2) District Medical Officer, Tundla—Vice-President and Executive Officer (*ex officio*).

(3) Honorary Secretary.

(4) Two members of the railway staff.

(5) One member representing the non-railway public.

The honourable member is referred to the rules and regulations for the management of the East Indian Railway schools, a copy of which has been supplied to him. The powers and duties are derived from the Agent of the East Indian Railway.

(b) Divisional Superintendent, *ex officio*. His powers and duties are those of an appellate and consultative nature, especially in matters of finance.

(c) The District Medical Officer of the East Indian Railway. He is responsible to the Committee for the working of the school and is the Executive Officer of the Committee.

*57-B 17-12-'31

*21. Rao Krishna Pal Singh: Will the Government be pleased to state—

(a) Who is authorized to appoint, punish and dismiss the teachers of the Railway School at Tundla?

(b) Do the teachers enter into a written contract with the committee? If so, is the agreement the same as is prescribed for aided schools in these provinces? If not, why? Has the Government authorized the committee to enter into those agreements? If so, when and under what rules?

(c) Do the teachers, after entering into these agreements, retain the status and privileges of government servants? If so, do they possess the right of appeal against adverse decisions of the committee affecting them like other government servants, and if so, to whom and under what rule?

The Hon'ble the Minister for Education: (a) The honourable member is referred to the rules and regulations mentioned above.

(b) Yes. No. They have a separate form prescribed for all East Indian Railway schools. Yes. Under paragraph 347 (2) of the Educational Code. Sanction was given on June 26, 1930.

(c) Yes. Yes. To the Superintendent, East Indian Railway Aided Schools, Calcutta, under the railway rules, which they are bound to observe under clause 4 of their agreement, a copy of which has been supplied to the honourable member.

*22. **Rao Krishna Pal Singh:** (a) Are Government aware that the head master of the Railway School at Tundla recently suffered from mental disorder and was admitted in the Mental Hospital at Agra? *57-C 17-12-'31

(b) Has he been declared by Lieut.-Colonel A. W. Overbeck-Wright, I.M.S., Superintendent of the Mental Hospital, Agra, to have recovered from his trouble? Has he been recommended by the Superintendent for leave till the end of the next summer vacations "for rest and complete recovery"?

The Hon'ble the Minister for Education: (a) Yes.

(b) Yes.

*23. **Rao Krishna Pal Singh:** Do Government know that the relations between the head master and the manager of the school are strained, and the wife of the former has complained against the ill-treatment of the latter? *57-D 17-12-'31

The Hon'ble the Minister for Education: No. The wife of the head master after he was admitted to the asylum made allegations of ill-treatment to the Divisional Superintendent.

*24. **Rao Krishna Pal Singh:** Will the Government be pleased to state— *57-E 17-12-'31

(a) If it is a fact that the railway authorities are taking steps to compulsorily retire the said head master on grounds of medical unfitness? If so, who was the medical authority who declared him unfit? Has his post been advertised?

(b) What is the record and length of the head master's service?

The Hon'ble the Minister for Education: (a) No. Does not arise.

(b) He was appointed as head master of the Tundla School on February 3, 1915, and has rendered meritorious service.

*25. **Rao Krishna Pal Singh:** Was the head master treated in Tundla for any ailment before his admission into the Mental Hospital at Agra? If so, for what disease, for what period and by whom? *57-F 17-12-'31

The Hon'ble the Minister for Education: Yes. For insomnia, fever and pain from September 15, onwards by Dr. Das Gupta and Dr. Lulla.

*26. **Rao Krishna Pal Singh:** On what date was the head master admitted to the Mental Hospital? Was he examined by the District Medical Officer of the Railway on September 17, 1931? *57-G 17-12-'31

* **The Hon'ble the Minister for Education:** September 22, 1931. Yes.

*27. **Rao Krishna Pal Singh:** Are Government aware that the head master was ordered by the manager to join his post and furnish *57-H 17-12-'31

O. No. Date.

written explanations to certain oral inquiries of the manager on September 21, 1931? Is it a fact that the head master was not in a fit state of health to do any mental work on this date?

The Hon'ble the Minister for Education: No. Yes.

*57-I 17-12-'31

*28. **Rao Krishna Pal Singh:** Are Government aware that the head master was threatened on September 21, 1931, to be reported to the Agent of the East Indian Railway unless he gave the manager a written assurance that he would take charge of his work and furnish the ordered explanation on the following day?

The Hon'ble the Minister for Education: No.

*57-J 17-12-'31

*29. **Rao Krishna Pal Singh:** Will the Government be pleased to state the rule under which grant-in-aid from provincial revenues is admissible to government schools belonging to central or local Government?

The Hon'ble the Minister for Education: No grant-in-aid from provincial revenues is made to any schools belonging to local Government. The rules under which grant-in-aid is made to schools belonging to the central Government are in chapter IX of Educational Code and chapter V of Code of Regulations for European schools.

*57-K 17-12-'31

*30. **Rao Krishna Pal Singh:** Are the teachers in the Railway School at Tundla on deputation from the Government and are their services treated as lent services? Is Government permission necessary before they can be punished or removed?

The Hon'ble the Minister for Education: No. Does not arise.

*57-L 17-12-'31

*31. **Rao Krishna Pal Singh:** Will the Government be pleased to state whether the East Indian Railway Anglo-Vernacular High School at Tundla belongs to the central or the local Government?

The Hon'ble the Minister for Education: The central Government. ACQUISITION OF THE BUILDING OF KARAUNDIA FLOUR MILLS, LUCKNOW.

*67 17-12-'31

*32. **Rai Sahib Babu Rama Charana (absent):** Is it a fact that the buildings of the Karaundia Flour Mills were acquired for the purposes of the Lucknow University? If so, when?

The Hon'ble the Minister for Education: Yes. In 1921.

*68 17-12-'31

*33. **Rai Sahib Babu Rama Charana (absent):** Is it also a fact that the University having given up the idea of building over the land occupied by the buildings acquired, the Government made a gift of the same to the Lucknow Improvement Trust? If so, when?

The Hon'ble the Minister for Education: No.

They have since been purchased by the Improvement Trust.

*69 17-12-'31

*34. **Rai Sahib Babu Rama Charana (absent):** To what use are the buildings put by the Trust? Is it the intention of the Trust to let out the buildings on rent as a permanent source of revenue?

The Hon'ble the Minister for Education: Portions of these buildings have been let out on rent from time to time, but as they lie within the flooded area their letting capacity is poor.

*35. **Rai Sahib Babu Rama Charana** (*absent*): Is it a fact that a considerable amount of material, *e.g.*, tiles, bricks, planks (wooden), coal dust lying in the compound, has been stolen away and the buildings, specially tiled houses, are in a dilapidated condition and their material is being wasted day by day? If so, is it the intention of the Government to instruct the Trust to use the materials and buildings to the best advantage?

The Hon'ble the Minister for Education: No.

The main building and the outhouses were in a dilapidated condition when the Trust purchased them and not worth the cost of repairs.

The Trust is already trying to turn the buildings and materials to the best advantage.

*36. **Rai Sahib Babu Rama Charana** (*absent*): Is the residential big building inside the compound let out on rent? Was it ever let out on rent? If so, what rent per month was or is being realized?

*71 17-12-'31

The Hon'ble the Minister for Education: No.

No.

Does not arise.

NEW LUDOVIC PORTER ROAD.

*37. **Rai Sahib Babu Rama Charana** (*absent*): Has the new Ludovic Porter road been completed as far as Kursi road in Lucknow? If not, when will it be completed?

*72 17-12-'31

The Hon'ble the Minister for Education: No.

It is not yet possible to give a definite reply, as alternative schemes are under consideration.

*38. **Rai Sahib Babu Rama Charana** (*absent*): Is it a fact that the portion of the road already completed is falling into disuse and is not being used at all by wheeled traffic?

*73 17-12-'31

The Hon'ble the Minister for Education: It is being used by vehicular traffic from the Paper Mills bridge up to the point where it joins the road which goes towards Kala Kankar house.

SUPPLY OF ELECTRICITY.

*39. **Mr. H. C. Desanges** (*absent*): (i) Will the Government be pleased to place on the table a statement showing (a) in what towns of the United Provinces electricity is supplied to government offices, (b) the amount of electricity consumed by each of its government offices with their respective costs?

*75 17-12-'31

(ii) Are Government aware that the railway and military departments in each such town enjoy special low charges for both office use and private use?

(iii) Do Government propose to appoint an advisory board as is provided in the Electricity Act?

O. No. Date.

The Hon'ble the Finance Member (Mr. E. A. H. Blunt): (i) A statement giving the information required is laid on the honourable member's table.

(ii) Yes.

(iii) The Government propose to appoint an inquiry committee and if that committee recommends a reference to an advisory board, Government will take steps to appoint one.

AGRA DISTRICT BOARD.

*40. **Thakur Giriraj Singh:** Is it a fact that the Agra district board passed a unanimous resolution expressing thanks to the secretary for the honest and efficient discharge of his duties?
*32 17-12-'31

The Hon'ble the Minister for Local Self-Government: No.

*41. **Thakur Giriraj Singh:** Is it a fact that a meeting of the Agra district board was held on October 19 to consider the question of the dismissal of the secretary, and the chairman failed to obtain the majority and so the members of the chairman's party passed a resolution that the secretary's pay should be reduced to Rs. 50 per month?
*33 17-12-'31

The Hon'ble the Minister for Local Self-Government: Yes, by a majority of 19 against 2 the pay of the secretary was reduced to Rs. 50 per mensem.

*42. **Thakur Giriraj Singh:** Is it a fact that the resolution about the dismissal of the secretary, district board, Agra, was passed on October 29, 1931, on the ground that the secretary was taking part in party politics?
*34 17-12-'31

The Hon'ble the Minister for Local Self-Government: Yes, this was one of the ground amongst others.

*43. **Thakur Giriraj Singh:** Will the Government be pleased to lay on the table a copy of the whole proceedings of the Agra district board meetings for the months of August, September and October, 1931?
*35 17-12-'31

†**The Hon'ble the Minister for Local Self-Government:** Copy of the proceedings is laid on the honourable member's table.

Thakur Giriraj Singh: Is it a fact that the proceedings of the meeting October 19, 1931, were not conducted in proper manner? Some of the members raised their hands and others did not, and even the raising of the hands. . . .

The Hon'ble the President: The question as framed, is disallowed. It is asking for opinion.

Thakur Giriraj Singh: Is it a fact that on October 19, 1931, there was a resolution before the Board that the Secretary of the District Board should be dismissed, but instead of that a resolution was passed to the effect that the pay of the Secretary should be reduced to Rs. 50?

The Hon'ble the Minister for Local Self-Government: I think the meeting was perfectly regular and they decided ultimately to dismiss him.

Pandit Joti Prasad Upadhyaya: Does the Government vouchsafe the accuracy of the answer to question no. 40?

The Hon'ble the Minister for Local Self-Government: From the information received that is so. The answer is there.

Pandit Joti Prasad Upadhyaya: Does the Government vouchsafe the correctness of the answer?

The Hon'ble the Minister for Local Self-Government: It does not require any vouchsafing. The answer is here—a definite answer.

Thakur Giriraj Singh: May I know if in the meeting of 19th October, 1931, protests were made on behalf of some of the members and whether those protests were reduced to writing?

The Hon'ble the Minister for Local Self-Government: The proceedings of the meeting are laid on the honourable member's table. If the honourable member will peruse them, he will come to know all the facts.

Thakur Giriraj Singh: May I know if the Local Government can interfere in the matter under section 169?

The Hon'ble the Minister for Local Self-Government: I am afraid this is a matter in which unless there is a regular appeal, Government cannot interfere.

Thakur Giriraj Singh: Is it not a fact that under the District Boards Act there is no appeal in such cases and that only the Local Government can interfere? There is another section 160. . . .

The Hon'ble the President: Is the honourable member arguing or putting a question?

Thakur Giriraj Singh: May I know, Sir, if the District Magistrate or the Commissioner of the division cannot take up the case under section 168 about the dismissal of the Secretary, District Board, Agra?

The Hon'ble the Minister for Local Self-Government: I do not know. As the honourable member is aware that no appeal lies in a matter like this, it seems to be the misfortune of the person concerned.

Thakur Giriraj Singh: May I know who is at present working as Secretary of the District Board, Agra?

The Hon'ble the Minister for Local Self-Government: I ask for notice.

*44. **Thakur Rampal Singh:** Is it a fact that there is a tax on property and circumstances levied by the district board, Sitapur? *90 17-12-'31

The Hon'ble the Minister for Local Self-Government: Yes.

*45. **Thakur Rampal Singh:** Is it a fact that the tax was assessed by a naib-tahsildar lent on deputation? *91 17-12-'31

The Hon'ble the Minister for Local Self-Government: Yes.

O. No. Date.

*92 17-12-31

***46. Thakur Rampal Singh:** Is it a fact that his services were dispensed with and the tax work after assessment was entrusted to the secretary, district board?

The Hon'ble the Minister for Local Self-Government: When the naib-tahsildar went to the Provincial Training Class, Moradabad, his work was entrusted to the secretary district board,—vide board's resolution no. 6, dated November 18, 1930.

*93 17-12-31

***47. Thakur Rampal Singh:** What was the actual amount assessed by the naib-tahsildar and how much of this was waived by the secretary, district board, after hearing the objections?

The Hon'ble the Minister for Local Self-Government: The actual amount assessed by the naib-tahsildar was Rs. 42,549. This amount was reduced to Rs. 17,212-2-0, as a result of reductions allowed on objections by the secretary and on appeals by the district magistrate.

*94 17-12-31

***48. Thakur Rampal Singh:** (a) What was the actual income from this during the financial year 1930-31 and what was the expenditure under this head?

(b) What was the percentage of collection during the year?

(c) Have the arrears of the last year been realized in full? If not, what per cent. remains?

The Hon'ble the Minister for Local Self-Government: (a) Income during 1930-31—Rs. 4,773-5-0. Expenditure during 1930-31—Rs. 4,720-9-0.

(b) 27.73 per cent.

(c) No. 14.77 per cent.

*95 17-12-31

***49. Thakur Rampal Singh:** It is a fact that an increment has been allowed to the secretary for only revising the lists of assessment annually during these days of economy and retrenchment?

The Hon'ble the Minister for Local Self-Government: The secretary gets an allowance of Rs. 50 per mensem for doing this extra work.

*96 17-12-31

***50. Thakur Rampal Singh:** Is it a fact that same increment is paid regularly in spite of disapproval of the Commissioner and the Deputy Commissioner?

The Hon'ble the Minister for Local Self-Government: No. It was sanctioned by the Commissioner.

*97 17-12-31

***51. Thakur Rampal Singh:** Is it a fact that the naib-tahsildar assessed the district to the tune of Rs. 45,000?

*98 17-12-31

***52. Thakur Rampal Singh:** Is it a fact that the final assessment was to the extent of Rs. 12,000 only?

The Hon'ble the Minister for Local Self-Government: The honourable member is referred to the answer to question no. 47.

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***53. Thakur Rampal Singh:** Is it a fact that out of this Rs. 12,000, Rs. 6,000 were spent on the permanent establishment of the assessing department?

The Hon'ble the Minister for Local Self-Government: No.

*54. **Thakur Rampal Singh:** Is it a fact that remaining Rs. 6,000 were not collected in full?

*100

The Hon'ble the Minister for Local Self-Government: The honourable member is referred to the answer to question no. 48.

*55. **Thakur Rampal Singh:** Is it a fact that the secretary, district board, who is also the assessing officer is taking a keen interest in the coming district board election?

*101

*56. **Thakur Rampal Singh:** Is it a fact that he is bringing pressure on the assesseees and the contractors and forcing them to support candidates set up by himself or by the present chairman?

*102

The Hon'ble the Minister for Local Self-Government: No such complaint has been brought to the notice of the district magistrate.

*57. **Thakur Rampal Singh:** Is it also a fact that he set up his father Thakur Balbhadra Singh from Patabojh constituency?

*103

The Hon'ble the Minister for Local Self-Government: His father was a candidate, but the nomination paper was declared invalid by the district magistrate. It is not known whether he was set up as a candidate by the secretary.

*58. **Thakur Rampal Singh:** Is it also a fact that he is adjourning and postponing assessment appeals objections and cases to bring pressure on assesseees?

*10

The Hon'ble the Minister for Local Self-Government: No.

*59. **Thakur Rampal Singh:** Is it also a fact that he is touring and canvassing freely for such candidates who belong to his party?

*104

The Hon'ble the Minister for Local Self-Government: No such complaint has been made to the district magistrate.

*60. **Thakur Rampal Singh:** Are Government aware that he is the resident of the district and son of an influential zamindar?

*10

The Hon'ble the Minister for Local Self-Government: Government is aware that he is a resident of the district and the son of a zamindar.

*61. **Thakur Rampal Singh:** Are Government aware that he was made to resign by the board from the post of the secretary and there was a great friction in the board only on account of him?

*10

The Hon'ble the Minister for Local Self-Government: Government is aware that he found himself compelled to resign owing to friction with certain members of the board.

*62. **Thakur Rampal Singh:** Is it a fact that he mentioned in his resignation that he has lost confidence in certain members and so he was resigning?

*10

The Hon'ble the Minister for Local Self-Government: Yes.

O. No. Date.

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***64. Thakur Rampal Singh:** Is it a fact that the Commissioner took technical objection because the post of the secretary could not be abolished?

The Hon'ble the Minister for Local Self-Government: The Commissioner said that the appointment of a secretary was obligatory.

*111 17-12-'31

***65. Thakur Rampal Singh:** Is it a fact that the post of the secretary was neither advertised nor were applications invited?

The Hon'ble the Minister for Local Self-Government: The board reappointed the secretary by a special resolution and did not consider it necessary to advertise for other candidates.

*112 17-12-'31

***66. Thakur Rampal Singh:** Is it a fact that the Commissioner's objection was made known to certain members before the agenda was issued?

The Hon'ble the Minister for Local Self-Government: The Commissioner's letter was included in the agenda which was circulated to all the members before the meeting.

*113 17-12-'31

***67. Thakur Rampal Singh:** Is it a fact that district board agenda is issued only ten days before the meeting and it reaches certain members just a day before in the interior mofassil?

The Hon'ble the Minister for Local Self-Government: Under the regulations made by the board the agenda must be circulated to members ten days before the meeting. It is not known when it reaches individual members residing in the mofassil.

*114 17-12-'31

***68. Thakur Rampal Singh:** Is it a fact that the same secretary was reappointed without any publicity or notice to the members by the chairman in an ordinary meeting?

The Hon'ble the Minister for Local Self-Government: The secretary was reappointed by special resolution no. 11(3), dated April 26, 1930, which was adopted unanimously.

*115 17-12-'31

***69. Thakur Rampal Singh:** Will the Government be pleased to consider the desirability of instructing all its officers not to interfere in the district board election?

The Hon'ble the Minister for Local Self-Government: The honourable member is referred to rule 23 of Government Servants' Conduct Rules.

*116 17-12-'31

***70. Thakur Rampal Singh:** Is it a fact that the Special Manager, Court of Wards, is taking keen interest in the coming district board election only to support the present chairman?

The Hon'ble the Finance Member: No.

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***71. Thakur Rampal Singh:** Is it a fact that to support the present chairman the Special Manager is setting up candidates?

The Hon'ble the Finance Member: The Special Manager did suggest to three literate well-to-do tenants to stand for election in their own areas.

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*72. **Thakur Rampal Singh:** Is it a fact that he is going against the wishes of the wards and against the relation of the wards to support the present chairman and his candidates?

The Hon'ble the Finance Member: No.

*73. **Thakur Rampal Singh:** Is it a fact that he withdrew his promises from certain candidates because they wanted to stand as independent candidates?

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The Hon'ble the Finance Member: The Special Manager knows of no independent candidates.

*74. **Thakur Rampal Singh:** Is it a fact that he promised his support to one of his tenants who is a B.A. and Vakil, but refused to support him and wanted him to withdraw as the candidate would not support the present chairman?

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The Hon'ble the Finance Member: Support was promised to Pandit Sheo Dulare but it is not a fact that he was asked to withdraw.

*75. **Thakur Rampal Singh:** Is it a fact that he openly advised candidates seeking Court of Wards' support either to support the present chairman or bring in his recommendatory letter?

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The Hon'ble the Finance Member: No.

*76. **Thakur Rampal Singh:** Is it a fact that a sitting member of a certain constituency seeking Court of Wards' help was directed by the Special Manager to go and see the chairman and support him?

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The Hon'ble the Finance Member: The Special Manager has no recollection of the member referred to, nor does he remember to have made such a suggestion.

Thakur Rampal Singh: May I know if the wishes of the wards were consulted while promising support to the candidates?

The Hon'ble the Finance Member: There is nothing to show whether the wards were consulted or not.

Rai Rajeshwar Bali: May I know what is the policy of the Government in this matter? When an estate is under the court of wards, how are the authorities to decide whom to support and whom not to support?

The Hon'ble the Finance Member: I should think this depends on the circumstances including the candidates themselves.

Rai Rajeshwar Bali: Is it entirely within the discretion of the special managers to support whomsoever they like?

The Hon'ble the Finance Member: Of course not.

Rai Rajeshwar Bali: How are they guided in their action?

The Hon'ble the Finance Member: By commonsense.

Rai Rajeshwar Bali: By commonsense of the Special Manager?

The Hon'ble the Finance Member: Yes, Sir.

Rai Rajeshwar Bali: In that case it appears that he has entire discretion to support anybody whom he likes.

The Hon'ble the President: That is a matter of argument.

O. No. Date.

EXEMPTION FROM DISTRICT BOARD'S CIRCUMSTANCES AND PROPERTY TAX.

*3 18-12-'31

***77. Kunwar Diwakar Prakash Singh:** (a) Is it a fact that municipalities are exempt from the district boards' circumstances and property tax while the notified and town areas are not?

(b) If the answer to the above be in the affirmative will the Government be pleased to state if it is going to consider the question of amending the District Boards Act relating to it and exempt the notified and town areas also?

The Hon'ble the Minister for Local Self-Government: (a) Yes.

(b) The matter is under the consideration of Government.

Kunwar Diwakar Prakash Singh: May I know when the Government will decide finally about this matter?

The Hon'ble the Minister for Local Self-Government: It will obviously take a little time to get the opinions of the local authorities. We shall have also to make inquiries from the boards.

Kunwar Diwakar Prakash Singh: May I know why the Government should impose double taxation in the notified and town areas, one by the notified or town area and the other by the district board?

The Hon'ble the Minister for Local Self-Government: The honourable member asks for opinion. I have already said that the matter is under consideration.

WORKING DAYS IN CERTAIN COURTS.

*7 18-12-'31

***78. Rai Sahib Lala Anand Swarup:** (1) Will the Government be pleased to state—

(a) the number of working days in the High Court during a year;

(b) the number of working days in the civil courts of these provinces during a year;

(c) the number of working days in the revenue courts during a year?

(2) Is it a fact that the High Court is closed on every Saturday? If so, why? Is it on any religious or other grounds?

(3) Since when is the court closed on Saturdays?

(4) What is the time of the sitting of the High Court each day?

(5) Has the High Court extended the days or the time of their sittings as a measure of necessity in these days of retrenchment?

The Hon'ble the Home Member (Nawab Sir Muhammad Muzamil-Ullah Khan): (1) (a) The number of working days in the High Court varies slightly from year to year. In 1931 it was 168.

(b) The number of working days in the civil courts of the Province of Agra in 1931 was 237 days.

(c) There are approximately 260 working days in the revenue courts during a year.

(2) and (3) The High Court office is not closed on Saturdays. The Judges do not ordinarily sit on Saturdays. This change was effected on grounds of public convenience from January 2, 1922.

(4) Prior to January, 1922, the Judges sat from 10.30 a.m. to 3.30 p.m. for the first five days in the week and from 10.30 a.m. to 1 p.m. on Saturdays. The usual hours for the disposal of regular judicial business now are from 10.30 a.m. to 4 p.m. in the hot weather except on Fridays when the Court sits up to 4.30 p.m. and from 10 a.m. to 3.30 p.m. in winter except on Fridays when the Judges sit up to 4 p.m. The lunch interval of half an hour is from 1.30 to 2 p.m. in hot weather and from 1 to 1.30 p.m. in winter. The result is that instead of sitting on Saturdays the Judges now sit for an extra half an hour on each working day during the week and Saturdays are left free for the preparation of reserved judgements, consideration of Bills which are sent for the opinion of the Judges and other miscellaneous work

(5) The number of working days in the High Court has been extended by curtailment of holidays and casual leave.

BOOKING OFFICE OF THE GHAZIABAD STATION.

*79. **Rai Sahib Lala Anand Swarup:** Will the Government be pleased to state the reason why the first and second class booking office of the Ghaziabad station has been removed to the third class booking shed from the main station?

*8 18-12-'31

The Hon'ble the Finance Member: Government are informed that there are two reasons :—

(1) The former position was inconvenient to the public as it involved a walk of about 100 yards down the platform.

(2) The change of position has permitted of the saving of two booking clerks.

*80. **Rai Sahib Lala Anand Swarup:** Will the Government be pleased to consider the advisability of removing it again to the main platform?

*9 18-12-'31

The Hon'ble the Finance Member: There appear to be no grounds for interference.

*81—86. **Pandit Shri Sadayatan Pande:** [*Withdrawn.*]

*10—15
18-12-'31

RENT AND REVENUE REMISSION IN THE GORAKHPUR DISTRICT.

*87. **Rai Rajeshwari Prasad:** Will the Government be pleased to give the following figures about the rent and revenue remissions for the *rabi* of 1338 *Fasli* in the Gorakhpur districts? :—

*16 18-12-'31

—	Remissions in rent.	Remission in revenue.	Area for which remissions were given.
	1	2	3
Tahsil Sadar			
Tahsil Bansgaon			
Tahsil Mahrajanj			

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The Hon'ble the Finance Member:

	Remission in rent.		Remission in revenue.		Area for which remission was given.
	Rs.	a. p.	Rs.	a. p.	Acres.
Tahsil Sadar ..	57,471	9 5	22,984	0 0	215,897
Tahsil Bansgaon..	14,374	5 3	6,261	3 10	14,195
Tahsil Mahrajanj ..	55,059	7 1	23,851	3 5	Whole of the tahsil

*17 18-12-'31 *88. **Rai Rajeshwari Prasad**: Is it a fact that throughout the whole of tahsil Mahrajanj the condition of the *rabi* of 1338 *Fasli* was very bad?

The Hon'ble the Finance Member: No.

*18 18-12-'31 *89. **Rai Rajeshwari Prasad**: Is it a fact that the remissions in rent and revenue in Mahrajanj tahsil were far less as compared with the corresponding remissions (for 1338 *Fasli*) in tahsils Sadar and Bansgaon?

The Hon'ble the Finance Member: No.

*19 18-12-'31 *90. **Rai Rajeshwari Prasad**: Are Government aware that as a result of the inadequate remissions at the *rabi* of 1338 *Fasli* the tenants as well as the landlords of tahsil Mahrajanj had to suffer much hardship and most of the revenue paid was paid by borrowing?

The Hon'ble the Finance Member: No.

*20 18-12-'31 *91. **Rai Rajeshwari Prasad**: Are Government aware that there have been cases in the Mahrajanj tahsil in which zamindars have had to execute pronotes for three to five times the amount which was actually advanced to them on the pronotes for the payment of Government revenue?

The Hon'ble the Finance Member: No.

*21 18-12-'31 *92. **Rai Rajeshwari Prasad**: Are Government aware that valuable movable property belonging to zamindars has been sold at auction for the realization of Government revenue at extremely low prices in the Mahrajanj tahsil?

The Hon'ble the Finance Member: Government have been informed that in one case an old elephant was sold for Rs. 760 but as the elephant was also blind, the price was possibly adequate.

*22 18-12-'31 *93. **Rai Rajeshwari Prasad**: Will the Government be pleased to state the reasons for the comparatively low remissions in the Mahrajanj tahsil in the *rabi* of 1338 *Fasli*?

The Hon'ble the Finance Member: Does not arise.

*23 18-12-'31 *94. **Rai Rajeshwari Prasad**: Do Government intend to take steps to remedy the hardships mentioned in the previous questions that have overtaken the zamindars on account of the inadequate remissions in revenue?

The Hon'ble the Finance Member: As is plain from previous answers, Government are not aware of any hardships that need remedy.

Rai Rajeshwari Prasad: With regard to question No. 94, will the Government be pleased to say whether they are prepared to consider hard cases if they are brought to the notice of the local authorities?

The Hon'ble the Finance Member: The Government are always prepared to consider any hard case which is brought to their notice.

UNSTARRED QUESTIONS.

DEPOSITS MADE IN CIVIL COURTS OF CERTAIN DISTRICTS.

1. **Khan Sahib Muhammad Hadiyar Khan:** Will the Government be pleased to lay on the table a statement showing the deposits made in civil courts of districts of Etah, Farrukhabad and Mainpuri in the last 12 years?

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Mr. J. R. W. Bennett: The nature of the deposits referred to is not clear. The honourable member was asked by Government to make his meaning clear but no reply has been received to the inquiry in spite of a reminder being sent. The preparation of statement covering all kinds of deposits would involve considerable labour disproportionate to their value.

2. **Khan Sahib Muhammad Hadiyar Khan:** Will the Government be pleased to consider the desirability of issuing necessary instructions to officers to the effect that they should disburse the deposits outstanding in minors' names to their legal guardians and not require them to furnish securities?

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Mr. J. R. W. Bennett: The answer is in the negative. Government cannot interfere with the discretion of courts in this matter.

TAX LEVIED ON MOTOR LORRIES BY DISTRICT BOARDS OF ETAH AND MAINPURI.

3. **Khan Sahib Muhammad Hadiyar Khan:** (a) Has it come to the notice of the Government that a tax has been levied on motor lorries by district boards of Etah and Mainpuri?

20 17-12-'31

(b) If so, will the Government be pleased to state under what rules it has been done?

(c) If not, will the Government be pleased to inquire under what special necessity has this been done?

Mr. P. Mason: (a) No tax on motor lorries has been levied by the district boards of Etah and Mainpuri.

(b) Does not arise.

(c) The boards have, however, drawn up a scheme in consultation with the local authorities regulating traffic for surcharging motor lorries plying on district board roads in order to provide some contribution towards the cost of repairing those roads, which have suffered severely from the heavy and increasing motor lorry traffic.

TRAINING OF POLICE SUB-INSPECTORS.

4. **Khan Sahib Muhammad Hadiyar Khan:** Will the Government be pleased to state what special reasons existed for extending the period

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of training of police sub-inspectors to a year and-a-half in the times of financial stringency?

Mr. J. M. Clay: The period was extended from a year to a year and-a-half in 1925 because a year was found insufficient. Actually the extension resulted in a saving as the allowance drawn by a cadet at the school is less than that drawn by a probationer in a district.

PROBATIONARY PERIOD OF POLICE SUB-INSPECTORS.

- 28 17-12-'31 5. **Khan Sahib Muhammad Hadiyar Khan:** Will the Government be pleased to consider the advisability of reducing the probationary period of sub-inspectors of police from two years to one year?

Mr. J. M. Clay: A year's probation was found insufficient, and the period was therefore extended to two years in 1919. The Government see no reason for reducing the period.

REVENUE SUITS DECIDED BY THE COURT OF DHANRAJ SINGH, DEPUTY COLLECTOR, ETAH.

- 30 17-12-'31 6. **Khan Sahib Muhammad Hadiyar Khan:** Can the Government supply a table of the revenue suits decided in September, 1929, 1930 and 1931 by the court of Dhanraj Singh, Deputy Collector, Etah, *ex parte* and at what stage were they decided as such with their dates of original institution?

Mr. H. A. Lane: A *statement showing the revenue suits decided *ex parte* in September, 1929, 1930 and 1931 by (Chaudhri Dhanraj Singh, Deputy Collector, Etah, with their dates of original institution and the stage at which they were decided is laid on the honourable member's table.

- 31 17-12-'31 7. **Khan Sahib Muhammad Hadiyar Khan:** How many cases and applications so decided were restored and when and by whom were they restored?

Mr. H. A. Lane: Only one case was restored, namely, by Chaudhri Dhanraj Singh, Deputy Collector, on January 21, 1931.

- 32 17-12-'31 8. **Khan Sahib Muhammad Hadiyar Khan:** Can the Government supply the list of criminal and revenue cases decided by the said court (Chaudhri Dhanraj Singh, Deputy Collector) in the months of November and December, 1930, with their dates of institution and disposal also the dates on which arguments were heard in those cases?

Mr. H. A. Lane: *Lists showing the criminal and revenue cases decided by Chaudhri Dhanraj Singh in the months of November and December, 1930, with their dates of institution and disposal are laid on the honourable member's table.

MUSLIM EMPLOYEES IN THE CANAL DEPARTMENT.

- 31 18-12-'31 9. **Khan Sahib Muhammad Hadiyar Khan:** Will the Government be pleased to state the percentage of Muhammadan employees in the Canal department to the entire number employed?

The Hon'ble the Finance Member: Thirty-two per cent.

DISTRICT GAZETTES.

O. No. Da

10. **Chaudhri Dharya Singh:** Will the Government be pleased to state if the *District Gazettes* are still published under the supervision of the collectors in Kheri and Gonda districts and other districts of the Province? If so, how many are controlled by district officers? 8 19-12.

11. (a) Do the *District Gazettes* deal with non-political matters only or have they been used to combat political movements in the country? 9 19-12

(b) Were any orders issued by Government to treat the *District Gazettes* as political organs?

(c) Have these gazettes been held to be government publications or quasi-Government publications under any orders issued by the Government?

(d) In how many cases have these gazettes been or are being financed by local boards?

(e) If so, are these gazette funds ever audited by Examiner of Local Fund Accounts in the same way as such local board's accounts? -

(f) In the alternative, have their accounts been regularly audited by a qualified agency?

12. What system has been adopted for auditing accounts of *District Gazettes* controlled by the district officers? 10 19-12

13. (i) Are the *District Gazettes* funds utilized for granting donations to private individuals or private institutions in any of the districts where they are under the supervision of collectors? 11 19-12

(ii) Where are they audited by deputy collectors but not supervised by collectors?

14. Do the deputy collectors who are said to be the honorary editors receive any remuneration or honorarium? 12 19-12

15. (a) Are the deputy collectors in charge of the *District Gazettes* relieved of a part of their regular work by some other officers in order that they might find time to look after the gazettes? 13 19-12

(b) Do the collectors of the districts concerned while distributing judicial or executive work apportion or allot this work to a particular officer?

16. (1) Have the Government declared that the *District Gazette*, Bulandshahr, is now a government or a quasi-government publication? 14 19-12

(2) Who is the proprietor or owner of the paper?

(3) Who supervises its policy?

17. (1) Are Government aware that in reply to a Council question on March 16, 1925, the *District Gazette*, Bulandshahr, was declared to be edited by a deputy collector? 15 19-12

(2) Have there been any new arrangements or orders issued for its supervision by the collector?

(3) If the reply be in the negative, how is it that the *District Gazette*, Bulandshahr, is known to be a quasi-government work under the supervision of the collector?

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(4) Have any inspector of offices or the examiners of accounts ever checked its accounts?

(5) Who is generally the editor?

(6) Is he always a deputy collector or the secretary of the district board?

16 19-12-'31 18. (1) How is it that the collector who supervised it in the capacity of the chairman of the district board before the enforcement of the new District Boards Act, is still supervising it? If so, in what capacity—personal or official?

(2) Who was its editor in 1927-28?

17 19-12-'31 19. Was any misappropriation of money from the fee of the publication of sale notices reported or detected in his time? If so, what were the circumstances which led to the misappropriation? How did the matter end and by whose orders? Will the Government be pleased to lay on the table the papers or the copies of the papers on the subject?

18 19-12-'31 20. (a) How have paid sub-editors been changed or thrown out of the staff of the gazette and on what faults?

(b) Does the editor maintain any record of the appointments and dismissals of these paid sub-editors?

(c) What are the names of paid sub-editors?

(d) What were their qualifications?

(e) Whether their dismissals were based on misappropriations or mismanagements?

(f) Were the accounts or cash accounts ever checked by the editor or by any one on his behalf at the time these persons were dismissed?

(g) Were any misappropriations detected? If so, what actions were taken by the editor?

(h) In case of any misappropriation detected, were any safeguards adopted or the matter reported to Government for instructions?

19 19-12-'31 21. Is the paid sub-editor appointed by the collector or by deputy collector himself?

20 19-12-'31 22. (a) What are the accumulated funds of the *District Gazette, Bulandshahr*?

(b) How many times, in what amounts and for what purposes have donations been given to private individuals or public institutions from the fund?

(c) Has it ever been certified by Government that such payments were the legitimate charges?

21 19-12-'31 23. (a) Was any misappropriation detected in the gazette accounts in 1930 in connection with the special issue in honour of the visit of His Excellency the Governor to Bulandshahr?

(b) How was it brought to light? Who were the persons responsible for it?

(c) Was any case of embezzlement started? If so, against whom?

(d) What was the result of the trial or trials?

(e) Who conducted the prosecution? How much money was spent on the conduct of the case or cases in the judicial courts and who bore the charges?

24. Were any government servants involved in such cases? If so, under what circumstances and who were they? 22 19-12-'31

25. Who has paid back the expenses of government servants involved as accused? 23 19-12-'31

26. In case they have not been reimbursed, how do Government contemplate compensating them? 24 19-12-'31

27. (a) Is it a fact that the deputy collector editor was recommended for honorarium? 25 19-12-'31

(b) Will the Government be pleased to state if honorarium was paid to him and on what grounds?

(c) If no honorarium was paid, will the Government be pleased to state reasons for it?

Mr. J. M. Clay : The information is being collected.

PANEL OF CHAIRMEN.

The Hon'ble the President : There is a vacancy on the panel of chairmen. Although it is within my powers not to nominate one, I think I should like to exercise the powers given to me under the Standing Orders, and therefore, in exercise of those powers, I appoint Mr. L. M. Medley to be on the panel of chairmen in the existing vacancy.

ANNOUNCEMENT REGARDING THE ASSENT OF THE GOVERNOR-GENERAL TO CERTAIN ACTS.

The Hon'ble the President : I have to announce that the Agra Tenancy (Amendment) Act, II of 1931, which was passed by the United Provinces Legislative Council on December 17, 1931, and assented to by His Excellency the Governor on January 9, 1932, received the assent of His Excellency the Governor-General on January 19, 1932.

I have also to announce that the United Provinces Arrears of Rent Act, I of 1931, which was passed by the United Provinces Legislative Council on December 21, 1931, and assented to by His Excellency the Governor on January 9, 1932, received the assent of His Excellency the Governor-General on January 28, 1932.

I have also to announce that the United Provinces Municipalities (Amendment) Act, III of 1931, which was passed by the United Provinces Legislative Council on December 18, 1931, and assented to by His Excellency the Governor on January 11, 1932, received the assent of His Excellency the Governor-General on January 31, 1932.

THE BUNDELKHAND ALIENATION OF LAND ACT (AMENDMENT) BILL.

The Hon'ble the Finance Member : I beg to introduce the Bill to amend the Bundelkhand Alienation of Land Act, II of 1903,

THE BUNDELKHAND ENCUMBERED ESTATES ACT (AMENDMENT) BILL.

The Hon'ble the Finance Member: I beg to introduce a Bill to amend the Bundelkhand Encumbered Estates Act, I of 1903.

THE U. P. DISTRICT BOARDS ACT (AMENDMENT) BILL.

The Hon'ble the Minister for Education: Sir, we are not quite ready with this yet so we would like to take it up in March, on the 18th and 19th, after the taxation measures.

ELECTION TO THE ADVISORY COMMITTEE OF THE EAST INDIAN RAILWAY.

The Hon'ble the Finance Member: I beg to move that the Legislative Council do elect in such manner and on such date as may be directed by the Hon'ble the President, one non-official member to serve on the advisory committee of the East Indian Railway in place of Khan Bahadur Hafiz Hidayat Husain.

The question was put and agreed to.

The Hon'ble the President: May I have nominations now?

(The name of Khan Bahadur Hafiz Hidayat Husain was proposed and seconded.)

The Hon'ble the President: The only proposal made and duly seconded is the name of Khan Bahadur Hafiz Hidayat Husain, and therefore he is declared elected.

A BILL TO REMOVE THE KUMAUN DIVISION FROM THE OPERATION OF THE SCHEDULED DISTRICTS ACT.

The Hon'ble the Home Member: I beg to introduce a Bill to remove the Kumaun division from the operation of the Scheduled Districts Act, and move (a) that the Bill be referred to a select committee and (b) that for this select committee the following members be elected :—

- (1) Pandit Prem Ballabh Belwal,
- (2) Thakur Jang Bahadur Singh Bisht,
- (3) Sardar Bahadur Thakur Narayan Singh Negi,
- (4) Muhammad Imtiaz Ahmad,
- (5) Mr. C. H. Desanges,
- (6) Mr. J. R. W. Bennett,

and the Home Member for the time being.

***Rai Rajeshwar Bali:** Sir, I do not propose to make any lengthy statement on this Bill. In the statement of objects and reasons it is stated that this Bill is the outcome of a resolution moved here in December, 1925. It has been said that a committee was appointed as a result of

* Speech not revised by the Hon'ble member.

that resolution and that the committee reported in March, 1928. Further, that the proposals of the committee have been carefully examined; some modifications mainly of procedure and form are considered desirable, but it is believed that this Bill and the other connected Bills which are being introduced and which it is proposed shall come into operation on the same date will put the committee's intentions into effect. I wanted to find the report of the committee, but unfortunately I could not get it in the library. I want to inquire from the Hon'ble the Home Member or any other spokesman on the Government side in what respect the present Bill differs from the recommendations of that committee. It is only fair that we should know particularly, as the report of that committee has not been available to us, in what respect the Bill differs from the recommendations of the committee, which specially sat to discuss this question.

The Hon'ble the Finance Member: Sir, I too have not seen the report, but I am assured that the difference is entirely in form. For instance, matters which were in the main Bill have been put in the schedules and various changes of that kind, but there is no material change either in the principle underlying or the matter of the Bill.

***Rai Rajeshwar Bali:** Will the Government supply us with a copy of the report of that committee before a final discussion is made in this House?

The Hon'ble the Finance Member: Yes.

The Hon'ble the President: The question is that the Bill be referred to a select committee and for this select committee the following members be elected :—

- (1) Pandit Prem Ballabh Belwal,
- (2) Thakur Jang Bahadur Singh Bisht,
- (3) Sardar Bahadur Thakur Narayan Singh Negi,
- (4) Muhammad Imtiaz Ahmad,
- (5) Mr. H. C. Desanges, and
- (6) Mr. J. R. W. Bennett.

The question was put and agreed to.

A BILL TO AMEND THE BENGAL AGRA AND ASSAM CIVIL COURTS ACT, 1887.

The Hon'ble the Home Member: I beg to introduce a Bill to amend the Bengal, Agra and Assam Civil Courts Act, 1887, in its application to the Kumaun division.

With your permission, Sir, I move that the Bill be referred to a select committee and that for the select committee the following members be elected :—

- (1) Pandit Prem Ballabh Belwal,
- (2) Thakur Jang Bahadur Singh Bisht,
- (3) Sardar Bahadur Thakur Narayan Singh Negi,
- (4) Muhammad Imtiaz Ahmad,
- (5) Mr. H. C. Desanges, and
- (6) Mr. J. R. W. Bennett.

* Speech not revised by the Hon'ble member.

Khan Bahadur Hafiz Hidayat Husain: Sir, there is only one remark which I should like to make at this stage, and that is this. The proposed amendment says:—"Provided that in the Kumaun division in questions regarding succession, special property of females, betrothal, marriage, divorce, dower, adoption, guardianship, minority, bastardy, family relations, wills, legacies, gifts, partitions or any religious usage or institution, the rule of decision shall be any custom applicable to the parties concerned which is not contrary to justice, equity or good conscience . . ."

This gives wide powers in the consideration of the question whether a certain custom is contrary to the rules of natural justice or not. What I would like to say at this moment is this, that in all questions regarding succession, transfer of females—Muhammadian females, I mean—there is no custom which can be set up which could override the provisions of Muhammadian law. However, Sir,—I give this previous warning in order that the personal law of the Moslems remain immune from attack, that if a custom like this is pleaded, then according to the rulings of the Privy Council no consideration will be given to any such pleadings; on the contrary, the case will be decided on the authority of ordinary Muhammadian Law.

The Hon'ble the Finance Member: Sir, I fancy that when this clause was drafted the persons who drafted it were thinking rather of the Hindus than of Muhammadans. Customs in the hills differ considerably from those in the plains, and that is the reason why this proviso was brought in. In so far as the Musalmans are concerned, there is no doubt that they must go by the laws and not by custom. If the honourable member thinks that a change should be made it can be easily made in the select committee.

The Hon'ble the President: The question is that the Bill to amend the Bengal, Agra and Assam Civil Courts Act, 1887, in its application to the Kumaun division be referred to a select committee consisting of the following:—

- (1) Pandit Prem Ballabh Belwal,
- (2) Thakur Jang Bahadur Singh Bisht,
- (3) Sardar Bahadur Thakur Narayan Singh Negi,
- (4) Muhammad Imtiaz Ahmad,
- (5) Mr. H. C. Desanges, and
- (6) Mr. J. R. W. Bennett.

The question was put and agreed to.

A BILL TO PROVIDE FOR THE REGULATION OF REVENUE POLICE IN THE KUMAUN DIVISION.

The Hon'ble the Home Member: Sir, with your permission I introduce a Bill to provide for the regulation of Revenue police in the Kumaun division.

(After a pause.)

The Hon'ble the Home Member: Sir, with your permission I move that the Bill be referred to a select committee and that for the select committee the following members be elected:—

- (1) Pandit Prem Ballabh Belwal,
- (2) Thakur Jang Bahadur Singh Bisht,

- (3) Sardar Bahadur Thakur Narayan Singh Negi,
- (4) Muhammad Imtiaz Ahmad,
- (5) Mr. H. C. Desanges, and
- (6) Mr. J. R. W. Bennett.

Pandit Prem Ballabh Belwal: I have simply to say in this connection that the remunerations to be given to Padhans and Thokdars have not been entered in the Bill. I think, when their duties have been defined the question of remuneration should also be specified in the Bill.

The Hon'ble the Finance Member: I have no doubt that the omission can be rectified in the select committee.

The Hon'ble the President: The question is that the Bill to provide for the regulation of Revenue police in the Kumaun division be referred to a select committee and that for this select committee the following members be elected:—

- (1) Pandit Prem Ballabh Belwal,
- (2) Thakur Jang Bahadur Singh Bisht,
- (3) Sardar Bahadur Thakur Narayan Singh Negi,
- (4) Muhammad Imtiaz Ahmad,
- (5) Mr. H. C. Desanges, and
- (6) Mr. J. R. W. Bennett.

The question was put and agreed to.

A BILL TO PROVIDE FOR THE JURISDICTION AND PROCEDURE OF REVENUE COURTS IN RESPECT OF RENT AND TENANCY MATTERS IN THE KUMAUN DIVISION.

The Hon'ble the Finance Member: Sir, with your permission I introduce a Bill to provide for the jurisdiction and procedure of revenue courts in respect of rent and tenancy matters in the Kumaun division.

(After a pause.)

The Hon'ble the Finance Member: Sir, with your permission I move that the Bill be referred to a select committee and that for this select committee the following members be elected:—

- (1) Pandit Prem Ballabh Belwal,
- (2) Thakur Jang Bahadur Singh Bisht,
- (3) Sardar Bahadur Thakur Narayan Singh Negi,
- (4) Muhammad Imtiaz Ahmad,
- (5) Nawabzada Muhammad Liaquat Ali Khan,
- (6) Mr. J. M. Clay,
- (7) Mr. J. R. W. Bennett, and
- (8) Mr. H. A. Lane.

The Hon'ble the President: The question is that the Bill to provide for the jurisdiction and procedure of revenue courts in respect of rent

[The Hon'ble the President.]

and tenancy matters in the Kumaun division be referred to a select committee and that for this select committee the following members be elected :—

- (1) Pandit Prem Ballabh Belwal,
- (2) Thakur Jang Bahadur Singh Bisht,
- (3) Sardar Bahadur Thakur Narayan Singh Negi,
- (4) Muhammad Imtiaz Ahmad,
- (5) Nawabzada Muhammad Liaquat Ali Khan,
- (6) Mr. J. M. Clay,
- (7) Mr. J. R. W. Bennett, and
- (8) Mr. H. A. Lane.

The question was put and agreed to.

A BILL TO AMEND THE U. P. LAND REVENUE ACT, 1901 IN ITS APPLICATION TO THE KUMAUN DIVISION.

The Hon'ble the Finance Member: Sir, with your permission I introduce a Bill to amend the United Provinces Land Revenue Act, 1901, in its application to the Kumaun division.

(After a pause.)

The Hon'ble the Finance Member: Sir, with your permission I move that the Bill be referred to a select committee and that for this select committee the following members be elected :—

- (1) Pandit Prem Ballabh Belwal,
- (2) Thakur Jang Bahadur Singh Bisht,
- (3) Sardar Bahadur Thakur Narayan Singh Negi,
- (4) Muhammad Imtiaz Ahmad,
- (5) Nawabzada Muhammad Liaquat Ali Khan,
- (6) Mr. J. M. Clay,
- (7) Mr. J. R. W. Bennett, and
- (8) Mr. H. A. Lane.

The Hon'ble the President: The question is that the Bill to amend the United Provinces Land Revenue Act, 1901, in its application to the Kumaun division, be referred to a select committee and that for this select committee the following members be elected :—

- (1) Pandit Prem Ballabh Belwal,
- (2) Thakur Jang Bahadur Singh Bisht,
- (3) Sardar Bahadur Thakur Narayan Singh Negi,
- (4) Muhammad Imtiaz Ahmad,
- (5) Nawabzada Muhammad Liaquat Ali Khan,
- (6) Mr. J. M. Clay,
- (7) Mr. J. R. W. Bennett, and
- (8) Mr. H. A. Lane.

The question was put and agreed to.

THE UNITED PROVINCES GOONDAS BILL.

The Hon'ble the Home Member: Sir, with your permission I present the report of the select committee on the United Provinces Goondas Bill.

(After a pause.)

The Hon'ble the Home Member: Sir, with your permission I move that the Bill be taken into consideration.

***Rai Rajeshwar Bali:** I have just one word to say with regard to the second part of the motion, namely that the Bill be taken into consideration and passed. The report of the select committee on this Bill has been laid on the table only this morning, and we have not had sufficient time to study it. Moreover, it seems that under rule 88, standing order 50, it is not valid for the Hon'ble the Home Member to move that the Bill be taken into consideration and passed without due notice having been given.

The Hon'ble the President: Does the honourable member object to the Bill being taken into consideration to-day?

***Rai Rajeshwar Bali:** Yes, Sir.

The Hon'ble the Home Member: I leave the matter to the decision of the Chair.

The Hon'ble the President: It is rather difficult for the Chair to suspend a standing order, because unless the question is of very great urgency, the Chair is reluctant to do so. I understand from Office that the report of select committee was received on the 15th of February. It was published in a *Gazette Extraordinary*, and according to standing orders it should have been sent by post to every member of the Council. This could not be done for obvious reasons. The report has only this morning been put on the table of honourable members. Unless therefore a clear case of urgency is established, I should hesitate to suspend the standing order.

***Rai Rajeshwar Bali:** Our difficulty is that we have not been able to read the report of the select committee and consequently we are not in a position to move any amendment.

The Hon'ble the President: I quite sympathize with the honourable member. I know it was published in the *Gazette Extraordinary* only the other day.

The Hon'ble the Home Member: The report was submitted on the first working day of the Council. In any case I have no objection to the matter being taken up on some later date.

The Hon'ble the President: According to the standing order, if such an objection is taken, it shall prevail, and I do not see why on this occasion I should suspend the standing order. The Hon'ble the Home Member had better come up with the motion for consideration some other day.

The Hon'ble the Finance Member: Will it be possible to take it up on the 22nd or the 23rd?

The Hon'ble the President: That will be quite all right, because it gives two days' notice for amendments. And even if such notice cannot be given, I can take up the amendments to the Bill on the spot in Council. This motion is accordingly fixed for Monday the 22nd.

* Speech not revised by the Hon'ble member.

TRANSACTION OF NON-OFFICIAL BUSINESS ON AN OFFICIAL DAY.

The Hon'ble the President: It seems that the official business will be over to-day, and then we will have not much to do till the 22nd or 23rd. To-morrow has been fixed by His Excellency the Governor for the presentation of the budget. Could we utilize part of the day to-morrow for non-official business? As it is, there are only two days fixed for non-official business, and as the Leader of the House knows, non-official members are always anxious to have more days allotted for their business. If therefore, he could represent the matter to His Excellency the Governor, we might be able to utilize part of the day to-morrow for that purpose. In that case I would only take up a few things, as for example the Bills.

The Hon'ble the Finance Member: I have no objection to non-official business being taken up to-morrow after the official business has been finished.

The Hon'ble the President: In that case the non-official business will commence to-morrow after the official business has been finished, provided it suits the House.

ELECTION TO THE BOARD OF PUBLIC HEALTH.

The Hon'ble the Minister for Local Self-Government: Sir, I move that the Legislative Council do elect in such manner and on such date, as may be directed by the Hon'ble the President, two non-official members to serve on the Board of Public Health, United Provinces, in place of Rai Bahadur Lala Mathura Prasad Mehrotra and Mr. Zahur Ahmad whose terms expire in March and April respectively.

The Hon'ble the President: The question is that the Council do elect in such manner and on such date, as may be directed by the President, two non-official members to serve on the Board of Public Health, United Provinces, in place of Rai Bahadur Lala Mathura Prasad Mehrotra and Mr. Zahur Ahmad.

The question was put and agreed to.

The Hon'ble the President: May I have nominations?

Lala Sham Lal: Sir, I propose the names of Mr. Zahur Ahmad and Pandit Joti Prasad Upadhyaya.

Rai Bahadur Babu Jagadeva Roy: Sir, I second the proposal.

Rai Bahadur Thakur Hanuman Singh: Sir, I propose the name of Rai Bahadur Lala Mathura Prasad Mehrotra.

Thakur Rampal Singh: Sir, I second the proposal.

The Hon'ble the President: For two vacancies on the Board of Public Health three names have been proposed, viz., Mr. Zahur Ahmad, Pandit Joti Prasad Upadhyaya and Rai Bahadur Lala Mathura Prasad Mehrotra, and election will now take place.

(The voting then took place.)

The Hon'ble the President : The result of the election is that Pandit Joti Prasad Upadhyaya and Mr. Zahur Ahmad get the largest number of votes and they are therefore declared elected.

NON-OFFICIAL BUSINESS TO BE TRANSACTED ON
FEBRUARY 20, 1932.

The Hon'ble the President : As regards to-morrow's non-official business, I do not know whether Kunwar Surendra Pratap Sahi will be ready with his Bill [Oudh Estates Act (Amendment) Bill.]

Rai Bahadur Kunwar Surendra Pratap Sahi : Sir, as regards this Bill I have addressed a letter to the Secretary of the British Indian Association and he has said in reply that he is going to discuss the matter in the Executive Committee of this Association. I would therefore request that the Bill be taken on the day fixed.

The Hon'ble the President : I hope that Rai Sahib Lala Anand Swarup will be ready with his Bill to-morrow. It is only introduction.

I hope that Mr. Ahmad Shah will be ready with his Bill to-morrow for the suppression of Immoral Traffic in the United Provinces.

Mrs. Srivastava is not prepared to go on with her Bills.

I hope that Mr. Ahmad Shah will be ready, also to go on with his resolution regarding juvenile courts.

Otherwise after the presentation of the budget we shall enjoy another holiday.

The Council was then adjourned at 11.55 a.m. till the following day.

LEGISLATIVE COUNCIL, UNITED PROVINCES OF AGRA AND OUDH.

Saturday, February 20, 1932.

THE Council met at the Council House, Lucknow, at 10.30 a. m.
The Hon'ble Sir Sita Ram in the Chair.

PRESENT (78).

<p>The Hon'ble Mr. E. A. H. Blunt. The Hon'ble Nawab Sir Muhammad Mazammil-ullah Khan. The Hon'ble Nawab Muhammad Yusuf. The Hon'ble Mr. J. P. Srivastava. Mr. J. M. Clay. Mr. H. A. Lane. Mr. F. Mason. Mr. V. N. Mehta. Mr. F. Canning. Mr. J. R. W. Bennett. Mr. A. H. Mackenzie. Mr. J. N. L. Sathe. Mr. C. St. L. Teyen. Rai Bahadur Pandit Suraj Din Bajpai. Pandit Tika Ram Misra. Mr. E. F. Oppenheim. Mr. K. N. Knox. Mr. S. T. Hollins. Lieut.-Col. C. L. Dunn. Mrs. J. P. Srivastava. Khan Bahadur Maulvi Fasih-ud-din. Mr. H. C. Desanges. Mr. E. Ahmad Shah Mr. Perma. Rai Bahadur Babu Awadh Bihari Lal. Chaudhri Ram Dayal. Chaudhri Jagarnath. Chaudhri Baldeva. Sahu Jwala Saran Kothiwalla. Chaudhri Ram Chandra. Chaudhri Ghasita. Chaudhri Arjun Singh. Rao Bahadur Thakur Pratap Bhan Singh Chaudhri Dhirya Singh. Rao Krishna Pal Singh. Honorary Lieut. Raja Kali Charan Misra. Thakur Balwant Singh Gahlot. Rai Bahadur Brij Lal Badhwar. Rai Sahib Manmohan Sahai</p>	<p>Babu Ram Bahadur Saksena. Lala Shyam Lal. Kunwar Jagbhan Singh. Thakur Keshava Chandra Singh. Mr. Brijmandan Lal. Chaudhri Ram Adhin. Mr. Bhondwa Chaudhri Bharos. Rai Bahadur Babu Jagadeva Roy. Mr. Dahari. Rai Rajeshwari Prasad. Babu Adya Prasad. Thakur Giriraj Singh. Pandit Prem Ballabh Belwal. Thakur Jang Bahadur Singh Bisht. Rai Bahadur Thakur Hanuman Singh. Lal Sheo Pratap Singh. Kunwar Diwakar Prakash Singh. Thakur Muneshwar Bakhsh Singh. Raja Jagdambika Pratap Narayan Singh. Rai Bahadur Kunwar Surendra Pratap Sahi. Rai Rajeshwar Bali. Mr. Zahur Ahmad. Syed Yusuf Ali Khan Sahib Muhammad Maqsood Ali Khan. Shah Nazar Husain. Nawabzada Muhammad Liaquat Ali Khan. Khan Sahib Muhammad Hadiyar Khan. Khan Bahadur Hafiz Hidayat Husain. M. Nisarullah. Khan Bahadur Mr. Muhammad Ismail. Khan Bahadur Saiyid Jafer Hosain. Sirdar Muhammad Shakirdad Khan. Muhammad Imtiaz Ahmad. Chaudhri Muhammad Ali. Rai Bahadur Kunwar Bisheshwar Daya Seth. Raja Jagaunath Bakhsh Singh. Mr. E. M. Souter. Rai Bahadur Babu Vikramajit Singh.</p>
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MEMBER SWORN.

Mr. J. N. L. Sathe,

QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

PRESENTATION OF ARMS.

O. no. Date.

*35 18-12-'31.

*1. **Rai Sahib Babu Manmohan Sahai** (*absent*): (a) Is it a fact that after the war some people in 1919 were presented with arms in recognition of their war services?

(b) Is it also a fact that those persons so presented with weapons were exempted by the Government under the new Arms Rules?

The Hon'ble the Home Member (Nawab Sir Muhammad Muzammil Ullah Khan): (a) Yes.

(b) Yes.

*36 18-12-'31.

*2. **Rai Sahib Babu Manmohan Sahai** (*absent*): (a) If the answer to the above question be in the affirmative, will the Government be pleased to say if Pandit Anokhey Lal of Tilhar, district Shahjahanpur, was presented with a sword in that year by the Divisional Recruiting Officer?

(b) Is it also a fact that under the amended Arms Rules such persons were declared exempted from only those arms which were in their possession on January 20, 1920, and that Pandit Anokhey Lal was under this rule exempted in respect of one double-barrelled breech-loading gun and one revolver which he possessed on January 20, 1920?

(c) Is it a fact that Pandit Anokhey Lal is now not allowed to keep a revolver by the district authorities? If so, why?

(d) In the absence of any disability or disqualification on the part of Pandit Anokhey Lal, do Government intend to issue orders to the District Magistrate, Shahjahanpur, to issue a life licence to him for a revolver and a double-barrelled gun free of fees?

The Hon'ble the Home Member: (a) Yes.

(b) Yes, according to the United Provinces Arms Rules, 1923.

(c) (i) Yes.

(ii) In accordance with a resolution passed by the Government of India at the end of 1923, a person who had received a sword of honour from the Government was no longer to be exempted from the provisions of the Arms Act but was entitled to get a free life-licence in respect of the arms which he actually possessed at the time, provided that he applied for the licence within six months. As Pandit Anokhey Lal no longer has in his possession the revolver which he possessed in 1923, it is useless to let him have a licence for it.

(d) The honourable member is referred to the answer to part (c). Moreover, the local Government have no authority to grant a life-licence now as the period fixed for applying for such a licence expired long ago. Pandit Anokhey Lal has already a free life-licence for a double-barrelled breech-loading gun.

APPEALS SUBMITTED BY SOME POLICE OFFICIALS.

*46 18-12-'31.

*3. **Kunwar Jagbhan Singh**: (a) How many appeals of both Hindu and Muslim sub-inspectors and inspectors of police were submitted to the Hon'ble Home Member during the last three years?

(b) How many of such aggrieved Hindu and Muslim officers were reinstated in their respective offices?

(c) How many such Hindu and Muslim officers were found guilty and degraded or dismissed? O. no. Date.

The Hon'ble the Home Member : (a) Twelve Hindus and ten Muslims.

(b) and (c) No one was reinstated in his original rank; but in the case of two Muslims and four Hindus the order of dismissal was replaced by one of degradation.

APPOINTMENT OF PATROLS IN THE CANAL DEPARTMENT.

*4. **Kunwar Jagbhan Singh :** (a) Is the policy of communal representation adhered to in the appointment of patrols in the Canal Irrigation department? *47 18-12-'31.

(b) If so, since when?

The Hon'ble the Finance Member (Mr. E. A. H. Blunt) : (a) Appointments to the post of patrol are not made on a communal basis.

(b) Does not arise.

*5. **Kunwar Jagbhan Singh :** What is the number and percentage of both Hindus and Muslims appointed as patrols? *48 18-12-'31.

The Hon'ble the Finance Member : Hindus, 1,045 (55 per cent.), Muslims, 848 (45 per cent.).

*6. **Kunwar Jagbhan Singh :** Is sufficient number of qualified Hindu candidates not available? *49 18-12-'31.

The Hon'ble the Finance Member : Sufficient Hindu candidates are available.

REALIZATION AND REMISSIONS OF REVENUE IN THE HAMIRPUR DISTRICT.

*7. **Kunwar Jagbhan Singh :** Will the Government be pleased to give the following information?— *50 18-12-'31.

(a) The amount of land revenue realized by the following tahsils of the Hamirpur district, viz. :—

(1) Rath, (2) Mahoba, (3) Maudaha and (4) Hamirpur.

(b) How much amount is remitted both in rent and land revenue in each of the above mentioned tahsils of the Hamirpur district separately?

The Hon'ble the Finance Member : A statement is laid on the honourable member's table.

(See Appendix A, page 58.)

*8. **Kunwar Jagbhan Singh :** What is the exact percentage of land revenue incidence in Bundelkhand and particularly in Hamirpur district. *51 18-12-'31.

The Hon'ble the Finance Member : A statement is laid on the honourable member's table.

(See Appendix B, page 58.)

COMMUNAL RIOT AT BENARES.

O. no. Date.
*54 18-12-'31.

*9. Chaudhri Bharos (*absent*): Will the Government be pleased to state in connection with the communal riot that took place in Benares in February, 1931?—

- (i) The number of persons against whom action had been taken,
- (ii) The number of persons against whom prosecution had been launched.
- (iii) The number of cases withdrawn.
- (iv) The number of cases actually tried in competent courts.
- (v) The number of persons actually convicted.
- (vi) The number of Musalmans convicted.

The Hon'ble the Finance Member: (i) 309.

- (ii) 42.
- (iii) 3.
- (iv) 31.
- (v) 2.
- (vi) None.

MUNICIPAL ELECTIONS AT BENARES.

*55 18-12-'31.

*10. Chaudhri Bharos (*absent*):—Will the Government be pleased to state—

- (a) if any instructions were issued to the police for supporting candidates in general municipal elections to be held in December, 1931;
- (b) if it is a fact that policemen are canvassing for one candidate or other in the general municipal election;
- (c) if it is a fact that retired police officers with constables in service have been taking keen interest in the municipal election and have been canvassing for one candidate or other in Benares and particularly in Bhelupura and Dasaswamedh wards;
- (d) whether the Government approve of the conduct of the policemen in taking part in the election of local bodies;
- (e) whether the Government propose to inquire into the matter and take proper steps in respect thereto;
- (f) the policy pursued by the Government in connection with the municipal and district board elections?

The Hon'ble the Home Member: (a) No.

(b) and (c) The Government have been assured that no policemen canvassed or took any part in the elections of Benares. With regard to other places, no inquiry is possible unless the honourable member specifies

to what places he refers. Retired police officers, as retired officers of other departments, are permitted to take part in elections. O. no. Date.

(d) and (e) Do not arise.

The Hon'ble the Minister for Local Self-Government (Nawab Muhammad Yusuf): (f) The policy of Government in elections for local bodies has always been one of strict neutrality. Government servants may record their votes if qualified to do so, but are strictly prohibited from canvassing or taking any active part in these elections.

RAID BY POLICE ON THE MUNICIPAL OFFICE, BENARES.

***11. Chaudhri Bharos:** (*absent*). (1) Will the Government be pleased to state— *56 18-12-'31.

- (a) if it is a fact that a number of police constables made a raid upon the municipal office, Benares, on or about the 23rd November, 1931 ;
- (b) if it is a fact that in consequence of the raid several municipal employees and watchmen were hurt or injured ;
- (c) if it is a fact that the policemen made this raid without the slightest provocation on the part of the municipal authorities ;
- (d) if it is a fact that the policemen picked up the quarrel over the unauthorized grazing of the horse belonging to a police officer in the municipal compounds ?

(2) What is the amount and nature of compensation which the Government propose to pay to the sufferers ?

The Hon'ble the Home Member : (1) (a) No. The facts are that brickbats were thrown at the house of the officer-in-charge of the police station on the night of November 24, in his absence. Constables were therefore posted round his house, and they arrested some municipal employees in the act of throwing brickbats.

(b), (c) and (d) and (2). Do not arise.

ERECTION OF TUBE-WELLS IN THE VICINITY OF SAMBHAL.

***12. Khan Bahadur Saiyid Jafer Hosain** (*absent*): (a) Why have not Government erected tube-wells in the vicinity of Sambhal town as announced by the Government during the budget discussions in March last ? *58 18-12-'31.

(b) Are Government going to erect such tube-wells worked by electricity in the near future for which money has already been provided ?

(c) What is the probable cost of the tube wells erected in village Dinyarpur in Belari tahsil of district Moradabad and how much area it is going to irrigate ?

(d) What steps have Government taken to explore the possibilities of utilizing the water of river Sot for purposes of irrigation in Sambhal and Amroha tahsils ?

O. no. Date.

The Hon'ble the Finance Member : (a) On detailed examination of the sites it was found that it would be better to make the experimental tube-wells a few miles further north and this brought them into Bilari tahsil of the same district.

(b) Not in the near future. The money provided has been utilized as stated in the reply to part (a).

(c) The tube-well group erected in Dinyarpur village cost, including canal three miles long, Rs. 32,000. It is expected to irrigate 2,000 acres.

(d) The water of the river Sot is utilized in Shahjahanpur and Budaut districts where the zamindars have established rights to the water which is insufficient for their needs.

POLICE MESS AT MORADABAD.

*61 18-12-'31. ***13. Khan Bahadur Saiyid Jafer Hosain (absent):** (a) Is the building of the police mess at Moradabad a government building?

(b) If so, what rent is charged from its occupants, viz., the police officers who go for training at Moradabad?

The Hon'ble the Home Member : (a) Yes.

(b) None.

*62 18-12-'31. ***14. Khan Bahadur Saiyid Jafer Hosain (absent):** If the building is a hired one, what rent is being paid for it?

The Hon'ble the Home Member : Does not arise.

*63 18-12-'31. ***15. Khan Bahadur Saiyid Jafer Hosain (absent):** If no rent is charged from the occupants, why do Government propose to levy rent now in view of the present financial situation?

The Hon'ble the Home Member : Probationary assistant and deputy superintendents of police at Training schools have been granted rent-free quarters since 1906 and 1908 respectively under the orders of the Government of India. Government do not propose to abolish this concession.

DISMISSAL OF PATWARIES IN THE DISTRICTS OF ROHILKHAND DIVISION.

*68 18-12-'31. ***16. Hony. Lieut. Raja Kali Charan Misra:** (a) How many patwaris were dismissed in the districts of Rohilkhand division except Bareilly?

(b) In how many cases appeal were filed before the Commissioner?

(c) How many appeals were dismissed?

The Hon'ble the Finance Member : (a) Seventeen.

(b) Fifteen.

(c) Eight.

SLAUGHTER OF CATTLE FOR BURMA BEEF TRADE.

*17. **Hony. Lieut. Raja Kali Charan Misra :** (a) Will the Government be pleased to state the names of all the places where cattle were slaughtered for the Burma Beef Trade during the calendar year 1930 other than Bareilly?

O. no. Date.
*69 18-12-'31.

(b) Has there been any reductions in this trade during the last ten years?

(c) Will the Government be pleased to state the total number of cattle slaughtered in various centres referred to above in 1930, other than Bareilly?

(d) Will the Government be pleased to state what steps have been taken for an accurate registration of the cattle slaughtered at the places other than Bareilly?

The Hon'ble the Home Member : (a), (b) and (c) It is not possible to secure complete and accurate statistics of animals slaughtered exclusively for Burma meat trade. Government do not consider it feasible in view of the present heavy work in districts to ask district officials to collect the information required, which when collected is not expected to yield results commensurate with the time and trouble involved.

(d) All municipal boards have been advised to amend their byelaws for the regulation and inspection of slaughter houses so as to provide for the maintenance of daily registers showing the sex, age, value, and description of every animal slaughtered at slaughter-houses and for the submission of monthly abstracts of those registers to the municipal office. Provision has also been made in the amending byelaw for the maintenance of separate registers for animals slaughtered for the Burma meat trade and for animals slaughtered for local consumption.

Hony. Lieut. Raja Kali Charan Misra : Will the Government be pleased to state if there has been any reduction in the Burma Beef Trade?

The Hon'ble the Home Member : I can not say at present. I will enquire.

MURDER OF MR. AVADH NARAIN LAL, TAHSILDAR OF KHAJUA,
FATEHPUR.

*18. **Hony. Lieut. Raja Kali Charan Misra :** (a) Will the Government be pleased to state why Mr. Avadh Narain Lal, tahsildar of Khajua, district Fatehpur, was killed?

*72 18-12-'31.

(b) In what village was the tahsildar killed?

(c) Did the zamindar ask the deceased tahsildar to accompany him and to induce the tenant to pay the rents?

(d) What was the total revenue demand of the village where the tahsildar was killed?

(e) How much money was realized in *kharif kist*?

(f) What is the total population of the village?

O. no. Date.

(g) Did the tahsildar visit this at the special request of the zamindar?
 (h) Did the tahsildar visit other villages in his tahsil also where *kharif* list was not paid?

(i) How many persons were arrested under section 302?

(j) What amount of compensation do Government intend to pay to the heir of the deceased tahsildar?

The Hon'ble the Finance Member: (a) The tahsildar was killed because the Congress had instigated the tenants not to pay their rents, and they accordingly resented the tahsildar trying to persuade them to do so.

(b) Nonara.

(c) Yes.

(d) Rupees 618-10-8 *kharif* list of 1338 *fashi*.

(e) Rupees 316-0-8 had been realized. Rupees 302-10-0 were in arrears when the tahsildar visited the place.

(f) 772.

(g) Yes.

(h) Yes.

(i) 52.

(j) The heir of the deceased tahsildar has been appointed as a *naib* tahsildar and the widow has been granted a pension of Rs. 50 per mensem for life.

COMMUNAL RIOT NEAR MEDICAL HOSTEL IN AGRA.

*38 18-12-'31.

*19. Pandit Joti Prasad Upadhyaya (*absent*): Will the Government be pleased to state whether there was a communal riot near the medical hostel in Agra on the night of March 16, 1931?

*39 18-12-'31.

*20. Was any telephonic message sent to the Principal immediately after the riot broke out by the Sister-in-charge of the European ward? When did the Principal arrive at the scene of occurrence?

*90 18-12-'31.

*21. Is it a fact that the Principal arrived at the scene long after the Civil Surgeon had come there?

*91 18-12-'31.

*22. What action was taken by the Principal for the safety of the inmates of the medical hostel on the night of March 16, after the riot?

*92 18-12-'31.

*23. Were three students of the Medical School arrested on a charge of murder?

*93 18-12-'31.

*24. Did the Principal explain to these students at the time of identification proceedings the nature of the charge against them? Did the Principal advise them to engage the services of a lawyer to watch the interest of the students at the time of identification?

- | | |
|--|-----------------|
| | O. no. Date. |
| *25. Did the Principal suggest that no lecturer of the medical school was to stand a surety for any of the arrested students? Who stood bail for these students and by whom were the sureties procured? | *94 18-12-'31. |
| *26. Was the medical school closed from March 18 till April 1, 1931, owing to the communal riot. | *95 18-12-'31. |
| *27. What were the reasons of the school authorities for not postponing the primary examinations while the intermediate and final examinations were postponed from April 11 to 27, 1931? | *96 18-12-'31. |
| *28. Did the students intending to appear at the primary examination of the Science make a representation to the Principal requesting him to get these examinations postponed on the ground that they could not get sufficient time for preparing for the examinations owing to the enforced holidays? | *97 18-12-'31. |
| *29. Did the Principal move the authorities concerned in the matter? | *98 18-12-'31. |
| *30. Is it a fact that the majority of the students of the first year class did not appear in the examination on April 15, 1931. | *99 18-12-'31. |
| *31. Did the Principal depute Dr. B. K. De, a lecturer in the Medical school and a member of the State Medical Faculty, Dr. H. S. Bhist, Dr. P. D. Kapoor and Dr. Akbar Ali (Khan Sahib) to persuade students and bring them to the examination hall, till 8.30 a.m. though the time for the distribution of examination paper was 7 a.m.? | *100 18-12-'31. |
| *32. Did a majority of the students, after these efforts of the above-mentioned gentlemen, go to the examination hall and seek the permission of the Principal to enter the hall? | *101 18-12-'31. |
| *33. Is it a fact that the Principal, instead of allowing them to sit in the hall as he himself had proposed to do, used insulting language to them, and disallowed them to enter the hall? | *102 18-12-'31. |
| *34. Was there a forcible entry into the hall by the students of all the classes after this conduct of the Principal? | *103 18-12-'31. |
| *35. Is it a fact that the girl students who were sitting in the hall were not at all disturbed by the students? | *104 18-12-'31. |
| *36. What was the approximate total number of students who finally entered the hall on this occasion? | *105 18-12-'31. |
| *37. Is it a fact that for this misconduct ten students were turned out of the school? Were they also asked to leave Agra within two hours? | *106 18-12-'31. |
| *38. If the answer to the latter part of the above question is in the affirmative, will the Government be pleased to state under what law was this order of expulsion from Agra made in the case of these ten students? | *107 18-12-'31. |
| *39. Were these ten students not even allowed to go to their hostel to pick up their luggage and to take their money for their journey? | *108 18-12-'31. |
| *40. Were these ten students searched in the Principal's office? | *109 18-12-'31. |
| *41. Were these students made to sit in a prison van and with an escort of armed guard when they were sent to railway station? | *110 18-12-'31. |
| *42. What was the criterion on the basis of which these ten students out of several were picked up as miscreants? | *111 18-12-'31. |
| *43. Was any evidence taken in this matter? | *112 18-12-'31. |

O. no. date.
*113 18-12-'31

*44. Was one student assaulted by the European sergeant with a whip? Were the injuries of the student examined by the Medico-Legal Officer? Was any action taken against the sergeant by the Principal?

*114 18-12-'31.

*45. Was any inquiry made into the matter of assault?

*115 18-12-'31.

*46. Is it a fact that three students of the Military section have been transferred to the civil section and have been compelled to pay a penalty of Rs. 1,000 each? If so, what is the nature of the charge against them?

*116 18-12-'31.

*47. Is it also a fact that scholarships of four civil students have been forfeited? Will the Government be pleased to state the nature, the charges against these students?

*117 18-12-'31.

*48. Have any lecturers been transferred from the medical school in this connection?

*118 18-12-'31.

*49. Were the transfers made in the interest of administration owing to these troubles in the medical school?

*119 18-12-'31.

*50. If the answer to the latter part of the above question be in the affirmative, will the Government be pleased to state for what particular offence were these lecturers transferred from the school?

*120 18-12-'31.

*51. Do Government propose to institute an inquiry into this matter?

The Hon'ble the Minister for Local Self-Government: The last of the material for a reply was only received last night. Answers will be prepared and given at a later date during this session.

DULHUL PROCESSION AT AGRA.

*1 19-12-'31.

*52. **Pandit Joti Prasad Upadhyaya:** Will the Government be pleased to state whether an application was made to the City Magistrate at Agra by the Shia Muslims of Shahganj, Agra, for taking out the *Dulhul* procession on the 9th and 10th *Muharram* last?

*1 19-12-'31.

*53. Why was such permission refused? Did the Shia Muslims want to confine the route of the procession to their own *muhalla* which is mainly inhabited by that community?

The Hon'ble the Home Member: The honourable member is referred to the answer to unstarred question no. 45 for December 15, 1931.

*3 19-12-'31.

*54. **Pandit Joti Prasad Upadhyaya:** Was the permission refused owing to the inadequacy of police arrangements?

The Hon'ble the Home Member: No.

*4 19-12-'31.

*55. **Pandit Joti Prasad Upadhyaya:** Is it a fact that *Dulhul* procession is taken out in many cities of the United Provinces both by Shia and Sunnis without creating any misunderstanding between the two sects of Muslims?

The Hon'ble the Home Member: The Government are unable to say unless the honourable member specifies the cities to which he refers.

TAX LEVIED ON CIRCUMSTANCES AND PROPERTY BY THE DISTRICT BOARD OF ALIGARH.

*5 19-12-'31.

*56. **Pandit Joti Prasad Upadhyaya:** Will the Government be pleased to state whether the district board of Aligarh has levied a tax on circumstances and property under the provisions of the District Board Act?

The Hon'ble the Minister for Local Self-Government: Yes.

*57. **Pandit Joti Prasad Upadhyaya:** Is it a fact that the district board of Aligarh has extended the operation of section 114 to the thirteen town areas in that district?

O. no. date.
*11 19-12-'31.

The Hon'ble the Minister for Local Self-Government: Yes.

*58. **Pandit Joti Prasad Upadhyaya:** Is it a fact that the residents of these town areas are already paying a similar tax to the town area committee?

*12 19-12-'31.

The Hon'ble the Minister for Local Self-Government: Yes.

*59. **Pandit Joti Prasad Upadhyaya:** Is it a fact that the residents of these town areas have made repeated representations to the District Magistrate, the Commissioner and to the Local Government regarding this matter?

*13 19-12-'31.

The Hon'ble the Minister for Local Self-Government: Yes.

*60. **Pandit Joti Prasad Upadhyaya:** What orders, if any, have been passed by the local Government on these representations?

*14 19-12-'31.

The Hon'ble the Minister for Local Self-Government: The general question is still under the consideration of the Government, which hopes to reach a decision before long.

*61. **Pandit Joti Prasad Upadhyaya:** Have the provisions of section 93(2) been brought to the notice of the Government in this connection?

*15 19-12-'31.

The Hon'ble the Minister for Local Self-Government: Yes.

*62. **Pandit Joti Prasad Upadhyaya:** Is it a fact that on August 15, 1928, Mr. R. L. H. Clarke, the then Commissioner of Agra, wrote to the Chairman, district board, Aligarh, that this tax could not be levied on the inhabitants of the town areas in the district, vide letter no. 5387/XXI—84-(22-23)?

*16 19-12-'31.

The Hon'ble the Minister for Local Self-Government: Yes.

*63. **Pandit Joti Prasad Upadhyaya:** Is it a fact that the district board of Aligarh after the receipt of this letter from Mr. Clarke did not proceed to levy this tax from the residents of these town areas?

*17 19-12-'31

The Hon'ble the Minister for Local Self-Government: Yes.

*64. **Pandit Joti Prasad Upadhyaya:** What is the total estimated income accruing to the district board of Aligarh by the imposition of this tax?

*18 19-12-'31.

The Hon'ble the Minister for Local Self-Government: The honourable member does not state the period for which he requires the information, but the actual receipts for the period from 1928-29 are as follows:—

	Rs.			
1928-29	11,945
1929-30	7,410
1930-31	5,724
1931-32 up to December, 1931	9,342

*65. **Pandit Joti Prasad Upadhyaya:** What is the total expenditure which the board has to incur on the staff maintained for this purpose?

*19 19-12-'31.

The Hon'ble the Minister for Local Self-Government: The honourable member has again omitted to name the period for which he requires

O. no. Date. the information, but the actual expenditure on collection since 1928-29, is as follows:—

					Rs.
1928-29	...	...	...	...	4,250
1929-30	...	...	...	...	3,030
1930-31	...	...	...	...	3,421
1931-32 up to December, 1931	...	...	...	...	5,373

*20 19-12-'31. *66. **Pandit Joti Prasad Upadhyaya** : Are Government prepared to exempt the residents of town areas in Aligarh district from the payment of this tax under section 124(3) of the District Boards Act?

The Hon'ble the Minister for Local Self-Government : The honourable member is referred to the reply given to starred question no. 60.

ALLOTMENT OF SEAT TO AGRA UNIVERSITY IN THE AGRA MUNICIPAL BOARD.

*29 19-12-'31. *67. **Rai Bahadur Thakur Hanuman Singh** : Has any seat been allotted to the Agra University in the Agra municipal board? Are Government aware that the Agra University consists of colleges all over the province? Is it open to any of these colleges affiliated to the Agra University to contest the said seat? Why was not the seat confined only to the colleges situated in Agra?

The Hon'ble the Minister for Local Self-Government : Yes.

Yes.

It is open to the Agra University to send any representative they consider suitable. Because the right to nominate a representative has been given to the University and not to individual Agra colleges affiliated to it.

LOCAL BOARDS WHO COULD NOT ELECT THEIR CHAIRMEN.

30 19-12-'31. *68. **Babu Ram Bahadur Saksena** : (a) How many district and municipal boards failed to elect their respective chairman during the last five years?

(b) In how many such cases was the right of nomination of chairman exercised by the Government?

(c) How many of the chairmen so nominated were Hindus and how many Muhammadans?

(d) On what principles are such nominations made?

The Hon'ble the Minister for Local Self-Government : (a) Since January 1, 1927, district boards on five occasions and municipal boards on thirteen occasions have failed to elect their chairmen according to law.

(b) The Government or the Commissioner exercised the right of nominating a chairman in all these cases under section 44 of the United Provinces Municipalities Act. A temporary chairman has also been nominated under section 43(3), United Provinces Municipalities Act, II of 1916, for the municipal board of Shahjahanpur as elections in some wards have been held up owing to an injunction of the civil court and the new board is, therefore, not yet in a position to elect its chairman.

(c) Of the chairmen nominated for district boards four were Hindus and one a Muslim and of those nominated for municipal boards six were Hindus, six Muslims and one a European.

(d) The guiding principal in making these nominations is to select a chairman who is not only otherwise suitable, but also able to command a working majority of the board. O. no. Date.

GOVERNMENT ORDER OF JULY 4, 1931.

*69. **Munshi Gajadhar Prasad** (*absent*): Will the Government be pleased (a) to lay on the table (i) the Government order, dated July 4, 1931, concerning vacancies in government offices and (ii) the explanatory letter issued by the Government on a reference having been made by the Excise Commissioner in respect of the Government order in question and (b) state as to whether or not the Government order, dated July 4, 1931, applies to a government servant who was made permanent before the issue of the Government order and does not leave his establishment for any other, and (c) if in any way, it does (i) how and under what circumstances and (ii) to what extent does it apply? *1 21-12-'32.

*70. Will the Government be pleased to explain the implications of the word "establishment" as occurring in the letter referred to in (i) and (ii) above? *2 21-12-'31.

The Hon'ble the Finance Member: Copies of G. O. nos. 2815/II—194, dated July 4, 1931, 661/XIII—189, dated December 2, 1931 and F.L.-1517/X—216, dated January 11, 1932, are placed on the honourable member's table. They give the information required by the honourable member.

(See Appendix C, page 59.)

REMOVAL OF ELECTRIC WIRE FROM CERTAIN PLACES OF AMROHA,
MORADABAD.

*71. **Khan Bahadur Hafiz Ghazanfarulla** (*absent*): Are Government aware of the feeling of people regarding the removal of the electric wires from certain places of Amroha (district Moradabad)? *14 21-12-'31.

The Hon'ble the Finance Member: Yes.

*72. **Khan Bahadur Hafiz Ghazanfarulla** (*absent*): Are Government going to take steps in connection with the removal of the electric wires by the Electric Supply Company from certain places? *15 21-12-'31.

The Hon'ble the Finance Member: As a suit is pending about this, the Government are not prepared to give any answer at present.

*73. **Khan Bahadur Hafiz Ghazanfarulla** (*absent*): What was the amount the Electric Company asks for the removal of the wires? *16 12-12-'31.

The Hon'ble the Finance Member: Rupees. 10,000.

CANCELLATION OF GUN LICENCE OF MR. AHMAD HUSAIN OF
MORADABAD.

*74. **Khan Bahadur Hafiz Ghazanfarulla** (*absent*): Will the Government kindly inform why was the gun licence of Mr. Ahmad Husain of Moradabad cancelled? *17 21-12-'31.

The Hon'ble the Home Member: The licence was cancelled in January, 1931, because Mr. Ahmad Husain was believed to have been responsible for riots which took place on January 5 and 6 in which several persons were severely injured.

- O. no. Date. *75. Khan Bahadur Hafiz Ghazanfarulla (*absent*): Did Mr. Ahmad Husain apply again for a licence? If so, with what result?
 *18 21-12-'31. The Hon'ble the Home Member: He has not applied.

EXPENDITURE INCURRED ON BUILDINGS AND ROADS BY
CERTAIN DIVISIONS.

- *19 21-12-'31. *76. Khan Bahadur Hafiz Ghazanfarulla (*absent*): Will the Government be pleased to supply the information detailed below?—

(a) What is the amount of the total annual expenditure on buildings and roads incurred during the last three years by the executive engineers of Bareilly, Meerut and Bahraich divisions of the Public Works department?

(b) What was the number of the Assistant Engineers, upper and lower subordinates, during the same period?

(c) Total establishment charges including the pay of executive engineers, assistant engineers, subordinates, clerical and drawing staff annually for three years ending March, 1931 of each division?

The Hon'ble the Minister for Local Self-Government: A statement showing the total annual expenditure on works, the number of assistant engineers, upper and lower subordinates, and the total establishment charges, in the Bareilly, Meerut and Gonda divisions during the last three years, is laid on the honourable member's table.

(See Appendix D, page 63.)

ALLAHABAD IMPROVEMENT TRUST.

- *1 22-12-'31. *77. Khan Bahadur Hafiz Ghazanfarulla (*absent*): Will the Government kindly inform how long the Allahabad Improvement Trust will take to complete the remaining works?

The Hon'ble the Minister for Education (Mr. J. P. Srivastava): About three years.

- *2 22-12-'31. *78. Khan Bahadur Hafiz Ghazanfarulla (*absent*): What is the approximate cost of works which are to be completed now, also the names of the schemes to be completed?

The Hon'ble the Minister for Education: Rupees 3,71,495.

A statement has been supplied to the honourable member.

(See Appendix E, page 63.)

- *3 22-12-'31. *79. Khan Bahadur Hafiz Ghazanfarulla (*absent*): Who is going to supervise the execution of the works? Are they to be supervised by the overseer, or any engineer is to be appointed?

The Hon'ble the Minister for Education: By the overseer, at any rate, for the present.

- *4 22-12-'31. *80. Khan Bahadur Hafiz Ghazanfarulla (*absent*): If an engineer is to be appointed, why the Trust has taken no action up to this time?

The Hon'ble the Minister for Education: No Engineer is for the present necessary.

*81. Khan Bahadur Hafiz Ghazanfarulla (*absent*): Is the post of the secretary and engineer to be amalgamated? If the reply be in the affirmative, will the Government kindly inform what steps have been taken so far? O. no. Date, *5 22-12-'31.

The Hon'ble the Minister for Education: No; does not arise.

*82. Khan Bahadur Hafiz Ghazanfarulla (*absent*): (a) Have the Trust authorities informed the inhabitants of the localities, who were served with notices for land acquisition, that the schemes have been abandoned?

*6 22-12-'31.

(b) If the reply to the above be in the negative, do Government intend to ask the Trust authorities to inform the people who were affected that the schemes have been rejected and that their land will not be acquired?

The Hon'ble the Minister for Education: (a) No such scheme has been abandoned.

(b) Does not arise.

*83. Khan Bahadur Hafiz Ghazanfarulla (*absent*): Are Government aware that those people who were served with notices about three years ago have been put to great loss, as they neither could build their houses nor could they sell any property during the last three years?

*7 22-12-'31.

The Hon'ble the Minister for Education: The Government have no such information.

*84. Khan Bahadur Hafiz Ghazanfarulla (*absent*): Will the Government kindly inform how the Improvement Trust proposes to compensate the people affected by the service of the land acquisition notice?

*8 22-12-'31.

The Hon'ble the Minister for Education: The honourable member is referred to the answers to question no. 82.

MR. F. E. RAYNOR, ASSISTANT REGISTRAR, HIGH COURT, ALLAHABAD.

*85. Munshi Gajadhar Prasad (*absent*): Will the Government be pleased to state if it is a fact that Mr. F. E. Raynor, Assistant Registrar of the High Court of Judicature at Allahabad, is due to retire early next year?

*9 22-12-'31.

The Hon'ble the Home Member: Yes.

INDIANIZATION OF THE SERVICES OF THE DEPUTY AND ASSISTANT REGISTRARS, HIGH COURT.

*86. Munshi Gajadhar Prasad (*absent*): Will the Government be pleased to state if there was ever any correspondence between the local Government and the High Court at Allahabad about the Indianization of the services of the Deputy and Assistant Registrars in the High Court and will the Government be pleased to lay the same on the table?

*10 22-12-'31.

The Hon'ble the Home Member: There was some correspondence in 1921 in connection with a Council question, but the papers have been destroyed under the weeding rules. In answer to a question in 1927, it was said that the appointment of the Assistant Registrar was a matter entirely within the discretion of the Chief Justice. The position with regard to the post of Deputy Registrar is the same. I would remind the honourable member that the terms of the Letters Patent give a special position to the Chief Justice in regard to making such appointments and the local Government consider that it is advisable fully to respect such position.

O. no. Date.
*11 22-12-'31.

*87. **Munshi Gajadhar Prasad** (*absent*): Do Government intend to bear in mind the principles underlying the aforesaid correspondence in filling up the vacancies arising in future in the High Court?

The Hon'ble the Home Member: This question does not arise as Government are not concerned with these appointments.

RETIREMENT OF MR. S. K. MUKERJI, READER, HIGH COURT,
ALLAHABAD.

*18 22-12-'31.

*88. **Munshi Gajadhar Prasad** (*absent*): (a) Will the Government be pleased to state if it is a fact that Mr. S. K. Mukerji, a reader of the High Court of Judicature at Allahabad, has recently retired and no one has so far been appointed in his place?

(b) Will the Government be pleased to state if it is a fact that he used to get an allowance of Rs. 75 per mensem?

(c) If so, will the Government consider the desirability of utilizing at least a portion of the savings thus effected towards the increment in the salaries of the Bench readers whose posts were sanctioned to be graded in 1929, and concerning whom question no. 99 was asked by me on July 23, 1931?

The Hon'ble the Home Member: (a) Mr. Mukerji retired in November last. It is understood that a permanent appointment has been made in his place.

(b) Yes.

(c) The Government are not prepared to reserve savings for the purpose mentioned.

UNSTARRED QUESTIONS.

LAND REVENUE DEMAND OF HARDOI DISTRICT.

26 19-11-'31.

1. **Thakur Muneshwar Bakhsh Singh**: Will the Government be pleased to state the land revenue demand of district Hardoi for the years 1337, 1338 and 1339 Fasli?

	Rs.			
Mr. H. A. Lane : 1337 Fasli	16,27,100
1338 Fasli	17,42,084
1339 Fasli	18,17,532

REMISSION IN LAND REVENUE OF HARDOI DISTRICT.

27 19-12-'31.

2. **Thakur Muneshwar Bakhsh Singh**: Will the Government be pleased to state the proposed amount of remission in land revenue of district Hardoi for the year 1339 Fasli?

Mr. H. A. Lane: Rupees 2,72,628.

ASSESSMENT.

28 19-12-'31.

3. **Thakur Muneshwar Bakhsh Singh**: (a) Is it a fact that weighing and *charsa* (hide) dues are considered as *sewai* income for the purposes of the assessment of land revenue and are also liable for assessment of income-tax?

(b) If so, will the Government be pleased to consider the desirability of excluding these dues from assessment?

Mr. H. A. Lane: (a) No.

(b) Does not arise.

STARTING PAY OF EUROPEAN, ANGLO-INDIAN AND INDIAN
SUB-INSPECTORS OF POLICE.

O. no. Date.
29 19-12-'31.

4. **Thakur Muneshwar Bakhsh Singh :** (a) Is it a fact that European and Anglo-Indian sub-inspectors in the Police department (sergeants) enlisted for the post of reserve inspectors are allowed a starting pay of Rs. 125 per mensem while the Indian sub-inspectors selected for the same post draw only Rs. 70 per mensem ?

(b) If so, will the Government be pleased to state the reasons for the above mentioned distinction ?

Mr. J. M. Clay : (a) Sergeants draw Rs. 125 per mensem, sub-inspectors draw Rs. 70, Rs. 80, Rs. 100 or Rs. 125 per mensem, according to the grade to which they belong.

(b) The duties and prospects are different. Sergeants are appointed to the armed branch alone and are ineligible for the charge of a police station or the posts of prosecuting and circle inspector, which are reserved for sub-inspectors. A few posts of reserve inspector have been thrown open to sub-inspectors for the purpose of Indianization.

5. **Thakur Muneshwar Bakhsh Singh :** (a) Is it a fact that sergeants are supplied with uniforms and accoutrements at the expense of Government, while the Indian sub-inspectors selected for the same post are required to keep the uniforms at their own expense.

30 19-12-'31.

(b) If so, will the Government be pleased to state reasons for this distinction ?

Mr. J. M. Clay : (a) Yes.

(b) As shown in answer to question 4(b), no proper comparison is possible.

6. **Thakur Muneshwar Bakhsh Singh :** Are Government prepared to take action in the matters referred to above so as to bring sergeants and Indian sub-inspectors selected for the post of reserve inspector to an equal status in all respects ?

31 19-12-'31.

Mr. J. M. Clay : No, as the natural corollary would be to make sergeants eligible for the posts of circle and prosecuting inspector.

KURMI COMMUNITY IN UNITED PROVINCES.

7. **Chaudhri Ram Adhin :** What is the percentage of the Kurmi community in the total population of the United Provinces of Agra and Oudh ?

1 21-12-'31.

Mr. J. M. Clay : 3.5 per cent. including the States.

8. **Chaudhri Ram Adhin :** Will the Government be pleased to state how many Kurmis there are in the United Provinces Civil Service or in the Subordinate Services ?

2 21-12-'31.

9. Is it a fact that there is a fairly large number of graduates in the Kurmi community who applied for government service ?

3 21-12-'31.

Mr. J. M. Clay : The Government are unable to supply this information which it would be very laborious to collect.

10. **Chaudhri Ram Adhin :** Will the Government be pleased to consider the advisability of appointing a proportionate number of the

5 21-12-'31.

O. no. Date. members of the Kurmi community with necessary qualifications in government service?

Mr. J. M. Clay: The Government regret that they are not prepared to do this.

HINDU OFFICIALS AT MORADABAD.

8 21-12-'31. 11. **Syed Yusuf Ali:** Is it a fact that Moradabad and particularly the city consists of a majority of Muslim population?

Mr. J. M. Clay: The percentage of Muslims to the total population is 57·6 in Moradabad city and 37·3 in Moradabad district, including the city.

9 21-12-'31. 12. **Syed Yusuf Ali:** Is it a fact that at present all the responsible officials there, including the deputy superintendent of police, the kotwal, the tahsildar, the naib-tahsildar and the city magistrato are all Hindus?

Mr. J. M. Clay: No.

10 21-12-'31. 13. **Syed Yusuf Ali:** Is it a fact that before this the city magistrato at Moradabad has been a Muslim or an Englishman?

Mr. J. M. Clay: No.

11 21-12-'31. 14. **Syed Yusuf Ali:** Will the Government be pleased to consider the advisability of keeping at least half the responsible officials at Moradabad as Muslims and especially the city magistrato?

Mr. J. M. Clay: The population of Hindu and Muslim officers at Moradabad is practically the same as that usually maintained elsewhere and this arrangement seems to be satisfactory.

CONTRACT OF CARRIAGE OF RESIN FROM SIAHI-DEVI, ALMORA.

86 19-12-'31. 15. **Thakur Jang Bahadur Singh Bisht:** (a) Will the Government be pleased to state whether the proprietor of Siahi-Devi estate applied to the Divisional Forest Officer, West Almora, for the contract of carriage of resin from Siahi-Devi and the adjoining forest, at a much cheaper rate than offered by Messrs. Naini Tal Motor Transport Company, Limited?

(b) Is it a fact that his application was summarily rejected?

(c) If so, why?

Mr. H. A. Lane: (a) and (c) The proprietor of Siahi-Devi estate applied for a contract for carriage of resin to Kathgodam by motor lorry when tenders had been asked for carriage by coolies to Khairna. The contract for the carriage by motor had already been given to the Naini Tal Motor Transport Company, Limited. The rate tendered by him was, moreover, higher than the rate paid to the Naini Tal Motor Transport Company, Limited.

(b) The application was rejected.

PRESENTATION OF THE BUDGET, 1932-33.

The Hon'ble the Finance Member: (The Hon'ble Mr. E. A. H. Blunt).

I RISE to present the budget for the year 1932-33. Though it is the thirteenth budget in succession with which I have been connected, it is only the second that I have presented. The other was that of the year 1920-21, being the last of the pre-Reform budgets presented in the old Council. I wish that this budget was as favourable as that.

2. Provincial receipts are of four kinds, namely, the Famine relief fund; the Road development fund; the Provincial loans fund account; and finally, our own provincial resources. About the first three I have little to say, but much about the last. I accordingly propose to clear the first three out of the way at once.

3. As Council knows, the Famine relief fund is governed by a special set of statutory rules. Every year we have to set apart a sum of 16 lakhs for famine relief, subject to the condition that when the fund reaches 55 lakhs the assignment ceases, and will only be resumed when there has been expenditure from the fund sufficient to reduce it below that maximum figure, and to the extent necessary to restore it. We receive interest on the balance from the central Government, which is also credited to the fund, and is always more than enough to cover annual expenditure on famine relief in any ordinary year. In March 1932 the balance will stand at 58½ lakhs; during the budget year therefore no assignment need be made to it. On the contrary, we are withdrawing from it a sum of three lakhs, which we are utilizing on repayment of debt. At the end of the year 1932-33 as a result of the accrual of interest, the figure will again stand at 58½ lakhs.

Famine fund.

4. The Central road development fund came into existence during the year 1930-31. It is financed out of the proceeds of a tax on petrol imposed by the central Government, a share of which is allotted every year to every province for expenditure on improving communications. The balance in this fund on March 31, 1932, will be 3½ lakhs. Next year we shall receive a further credit of about 4½ lakhs, but we propose in view of the general situation to keep expenditure at a low figure, and at the end of the budget year the balance is expected to be 6½ lakhs.

Road fund.

I have to remind the Council that these two funds can only be used to finance special types of expenditure, and that the balances in them cannot be diverted to other purposes. If by chance the balance of total provincial receipts over total provincial expenditure falls below the sum of the balances in these two funds, namely the Famine and Road funds, then it becomes necessary to recoup them. This has happened in each of the last three years, and will happen again in the budget year.

5. The Provincial loans fund is administered by the central Government, and is used to finance advances for capital expenditure to the provinces. In theory, the advance taken should just cover the whole outlay for which it is intended; in practice, however, there are invariably differences between the two. The account is adjusted by borrowing in the following year, either less or more than will actually be spent. At the end of the year 1931-32 there will be a saving of just under 17 lakhs in the account of this fund, and the borrowings of 1932-33 will be reduced to that extent. This saving is particularly large, and its existence is due to facts which I may as well describe at once. In the current year

Loan fund.

[The Hon'ble Mr. E. A. H. Blunt.]

[we had borrowed 84½ lakhs for capital expenditure; but when it became plain that we had to face a serious financial situation, it was decided to restrict capital expenditure to the utmost. The road programme was cut down: the programme of police and revenue buildings was restricted to works in progress, and even on these expenditure was curtailed where that was economical. In the budget year our total capital expenditure is estimated at 32 lakhs, of which eight lakhs is for the hydro-electric project and 3½ for the completion of unfinished roads and buildings, making 11½ lakhs; the balance consists of eight lakhs for *lagavi*, eight lakhs for commutation of pensions, and 4½ lakhs for loans to local bodies. Against this sum we have already 17 lakhs; and so the amount to be taken from the Provincial loans fund is reduced to 15 lakhs,—the lowest figure borrowed since the beginning of the Reforms.

Provincial
resources.

6. I now come to the fourth and most important class of receipts, namely our own resources. These consist of three items, namely revenue proper; so much as still remains of the United Provinces development loan raised in 1921; and other capital receipts, which consist mainly of recoveries of loans made to agriculturists, local bodies and others. In each of the years 1928-29, 1930-31 and 1931-32, our expenditure against these resources has exceeded the income derived from them. There was a surplus in 1929-30, but the deficit at the end of March 1932 will be 2½ crores; whilst, on the figures as they stand in the budget now presented, the deficit will reach nearly three crores by the end of 1932-33. The way in which this huge figure has been reached is shown in the table at the end of the historical account. For the first three years of the reformed constitution, thanks to the United Provinces development loan, there were annual surpluses in spite of the large contribution of 240 lakhs which we were then paying. Then followed the flood of 1924-25, which turned surplus into deficit, though a relatively small one, both in that year and the next. In 1926-27, expenditure rose considerably and the deficit increased; then in 1927-28 came the final remission of the contribution, and the result was a comfortable surplus of 33½ lakhs. But 1928-29 was a bad year in which there were heavy remissions of revenue amounting to over 80 lakhs, the result of which was again a deficit. In 1929-30 there was a marked recovery and the deficit was almost negligible. But since then there has been misfortune after misfortune. From January 1930, prices of foodgrains and other commodities began to fall till they actually went below pre-war levels, and stayed there till December 1931, a period of two years.

Effect of
prices.

7. The principal causes of this fall of prices were stated in the budget memorandum of last year, and I need not repeat them. The results, however, are well-known. The cultivator found his income materially reduced; as a consequence the income of the landlord was also materially reduced: the former could not pay his rent, nor the latter his revenue, except from his savings or by recourse to the money-lender. The collection of the land revenue fell in arrears, and at the end of the year 1930-31 it became obvious that Government must give the agricultural population some measure of relief. This took shape in the remissions of rent and revenue, of which so much has been said and written during the last six months. Moreover, all other heads of revenue, especially Excise, Stamps, Irrigation and Forest, were affected by the fall in prices to a greater or less degree.

During the last two or three months there has been a material and welcome rise in prices; but there is nothing in the history of the past to justify us in taking an optimistic view of the future, and the budget of 1932-33 estimates firstly, that the remission of revenue of the current year must be repeated in the next, and, secondly, that there will be little or no recovery under other heads of revenue: indeed the total revenue budget of 1932-33 is a lakh lower than the revised of 1931-32. I must make it clear that the inclusion of the remission in next year's estimates does not imply any sort of undertaking that it *will* be repeated: it is a mere budgetary measure. The question of remissions next year (as every body, I believe, realizes) will be considered on its merits in due course.

The entire deficit of 3 crores is more than covered by the losses under the head Land revenue since the year 1930-31. These amounted to 88 lakhs in the first year and to 112 in each of the next two, a total of 312 lakhs.

It is vain to deny that past budgets have been too optimistic and past expenditure too heavy; the historical memorandum appended to the budget is there to confute anybody who attempts to deny it. But I do not propose to dwell either on past mistakes or past calamities. Dropping tears over spilt milk is an unprofitable task. It is better to see what can be done to mop it up.

Revised
1931-32.

8. The total revenue charges as budgetted for 1931-32 amounted to 1245 lakhs, plus 90½ under irrigation working expenses, a total of 1335½. The corresponding revised figure is 1284½, a reduction of 51½ lakhs. There are, however, a few increases. Interest rises by 5½ lakhs in all, which is explained mainly by the overdraft due to the deficit of 1930-31. Under sinking fund charges there is an increase of 6½ lakhs, due to a shortage in recoveries of loans due to ourselves. There are further increases, under Pensions of one lakh, and under Miscellaneous of 3 lakhs: of which the former sum is due to unusually numerous retirements, whilst the latter represents a write-off of *lagavi* and to some extent is unreal, since there is a corresponding addition to capital receipts. These are all heads in which variations of expenditure cannot be controlled, and the true amount of retrenchment carried out during the current year amounts to 67 lakhs. Of this large sum, 55 lakhs is due to definite reductions ordered by Government last summer and approved by the Retrenchment Committee: 8 lakhs is due to the 10 per cent. cut in pay for one-quarter; and 4 lakhs is the result of minor savings made by spending officers under Government's pressure. The principal contributors to this saving are Irrigation with 9½ lakhs, Civil works with 8, General administration with 7½, Education with 6½, Jails with 6½, Public health, Agriculture, Administration of justice, with 4 lakhs each, Forest 3½ lakhs and Medical with 2½ lakhs.

9. The revenue charges of the budget year 1932-33 are put at 1243 lakhs, inclusive of Irrigation charges, which is 41 lakhs below the revised of the previous year. This decrease is made up of certain major changes. There are, in the first place, four considerable increases.

Budget,
1931-32.

The first is under Debt charges amounting to 10½ lakhs, which is fully explained by the interest due on the large overdraft at the end of the year 1931-32.

The second of 7½ lakhs is under Superannuation allowances and pensions; of which sum, 3½ is due to a reduction in the share chargeable to

[The Hon'ble Mr. E. A. H. Blunt.]

irrigation heads, whilst 2 lakhs extra are provided on account of officers who will probably be retired in consequence of retrenchment, and the balance is for normal growth.

The third item of $5\frac{1}{2}$ lakhs is under Civil works. This, however, is unreal, since in the year 1931-32 there was a write-off from revenue to capital of 11 lakhs, which artificially decreased the figure in that year; there is a real decrease under this head of $5\frac{1}{2}$ lakhs.

The fourth increase is of 3 lakhs under Irrigation working expenses, which is entirely due to the completion of the hydro-electric scheme, and the consequent transfer of its working expenses from capital to revenue. This increase too is unreal; for the expenditure was always there but under another head.

These increases amount in all to $27\frac{1}{2}$ lakhs, and the true amount of retrenchment in other heads is $68\frac{1}{2}$ lakhs. The largest contributions in lakhs to this figure are Land revenue 16 $\frac{1}{2}$, where practically the whole provision for survey and settlement disappears, a matter of 14 $\frac{1}{2}$ lakhs; Famine relief fund 13; Police 10 $\frac{1}{2}$, where only 2 $\frac{1}{2}$ lakhs is due to the cut in pay, and the rest to other forms of retrenchment; Education 7; General administration 5 $\frac{1}{2}$; Administration of justice 4; Medical 2 $\frac{1}{2}$ and Agriculture 2 $\frac{1}{2}$; but all heads contribute to a greater or less degree. Taking the two years together, therefore, there has been a total retrenchment, as between budget and budget, of over 135 lakhs. Of these the cut in pay has produced 40 $\frac{1}{2}$ lakhs; the acceptance of various recommendations of the Retrenchment Committee have produced 13 lakhs; whilst retrenchments enforced by Government and its officers amount to 82 lakhs.

Retrenchments.

10. I have, however, to remind the Council that on this occasion the budget, as presented to it, is not in its final form. There are yet other retrenchments, which will be made by executive order or by reduction in the demands at the time of their presentation, and will actually appear in the revised estimates for 1932-33. These amount to 9 lakhs, and the total amount of retrenchment therefore which is being effected in the budget year amounts to 77 $\frac{1}{2}$ lakhs. Again, and apart from this sum, further retrenchments are in sight, which fall into three classes.

Firstly, there are retrenchments of which this Government have approved. Some of these, because they concern the all-India services, cannot be brought into effect until the sanction of the Secretary of State has been received; others are of such a nature that the benefit to be derived from them can only be secured gradually. The ultimate saving from these amounts to 34 $\frac{1}{2}$ lakhs.

Secondly, there are yet further measures of retrenchment which Government are prepared either to approve or recommend, according as the decision lies with themselves or superior authority, but of which it is impossible to calculate the value in advance,—such measures, as changes in the leave rules or the rules governing officiating pay. At a venture I should put their value at much the same as the cut in pay, or 32 lakhs.

Thirdly, it is proposed to introduce new and much reduced scales of pay for new entrants in all services whatsoever. Some of these indeed have already been introduced, others are still under consideration, either by this Government or by higher authority as the case may be. The immediate benefit which will accrue from this reduction is of course

relatively small; but being cumulative, it will reach a considerable figure within the next five years; and ultimately, I estimate, that it will yield a benefit of not less than 75 lakhs to a crore.

And lastly, an automatic saving arises from the completion of our repayment of the old provincial loan account. This amounts to 21 lakhs, and the benefit will appear in the budget of 1933-34.

On the other hand, the cut in pay disappears in 1933-34. In short, the ultimate reduction in expenditure, which will result from the retrenchment operations now in progress, amounts to a little over 3 crores.

I have endeavoured to calculate roughly the pace at which this ultimate saving will accrue. By the end of 1932-33 the figure will be 144 lakhs. In 1933-34, since the cut in pay disappears, we shall reap only a further 10 lakhs or so. In the next four years, however, reductions should suffice to bring the total figure to 2 crores. The balance of one crore, however, should accrue very rapidly after that period.

11. I have given these figures here, (they will be found in fuller detail in an annexure to the budget), with the object of proving to this House that Government have made serious efforts to reduce the cost of administration. We have carefully considered every individual proposal made by the Retrenchment Committee; and though we may not have accepted every proposal as it stands, we have generally secured the result of such proposals as we have disregarded, by another method. For instance, with the object of reducing the cost of general administration the Committee proposed the abolition of certain districts; Government hope to secure an even larger saving than the Committee proposed without abolishing any district. Moreover, I can safely say, that the number of individual recommendations of the Committee which Government have rejected could be counted on the fingers of one hand. On the other hand, it has effected retrenchments, some of them of a considerable amount, to which the Committee never referred at all. As an instance, I mention a change in the method of collecting irrigation canal dues which will save 3 lakhs or so on the average.

I pause here to issue a warning. As I have had to point out to this House more than once in the past, savings or retrenchment, sooner or later, are obscured by normal growth of charges. Increments accrue, pensions grow, and so long as there are deficits, so does interest. It is no doubt true that the receipts will not remain for ever at the very low figure at which we have taken them in the budget year, and that we may expect some measure of recovery in the quinquennium which we are considering. But the growth of expenditure is a matter of knowledge, the growth of revenue is a matter of faith—the substance of things hoped for but not yet attained.

12. In the speech which His Excellency made to the Council last July, he said “we have to hammer down expenditure of every kind wherever we can reach it”. On behalf of Government I claim that we have done so: and therefore I feel myself entitled to remind the Council of another remark which His Excellency made in the same speech, that “no measure of retrenchment, however great, could possibly cover the losses of revenue which we must face”. That is not a point which I need labour; it is obvious from the fact that I can only offer the House 2 crores in the next five years against a deficit of nearly 3. His Excellency

Taxation.

[The Hon'ble Mr. E. A. H. Blunt.]

went on to say that if we were to satisfy the demands made on us we must add to our resources elsewhere; and it is now my duty to ask the House to assist me in doing so. Indeed, I do more than ask for assistance, I claim it. And to support my claim I quote the authority of the Retrenchment Committee itself. Having expressed a hope that Government would deal with their recommendations with that courage which the circumstances required, they went on to say that provided this appeal met with the response it deserved and that retrenchment was both real and substantial, they were not against the introduction of measures designed to secure additional revenue, and indeed thought such measures inevitable.

I affirm that Government have dealt with these recommendations with courage. I affirm that the retrenchment is both real and substantial; and accordingly feel justified in urging the House to give us the additional taxation which we, like the Committee, hold to be inevitable.

13. Let me remind the Council that the estimated yield of these four measures of taxation is only 30 lakhs, a very small sum when compared with the 144 lakhs of retrenchment already effected or to be effected in the budget year. Let me further remind them that even if they do give us this sum, the deficit on the year's working, at present shown as 69 lakhs, will still stand at 30, which we can only hope to cover if our revenue estimates prove unduly pessimistic, or if we can devise any further measure of retrenchment. For let me make it plain at once that the process of retrenchment is not going to stop. Though the obvious avenues have been explored, there are still dark recesses in the financial forest where waste may be lurking. If so, the hunters of the Finance department will track it down.

And in this connection let me offer my warmest thanks to Mr. Lane, Mr. Teyen, and the staff of the department.

Mr. Lane came new to finance, and found himself faced with the impossible job of making two ends meet, which were widely separated and entirely inelastic. He tackled it with the same zeal and firmness that he has displayed in other spheres. Mr. Teyen all last summer had to play the thankless part of the executioner with the axe, and deserves the thanks of this House for the skilful way in which he wielded it. I have also to thank Mr. Bajpai for putting through amendments to the travelling allowance rules which will bring a substantial saving to the province; and the staff of the department generally for the care with which they have prepared a particularly difficult budget. I have myself some acquaintance with the rush and hurly-burly of budget making; I can appreciate how heavy the task was on this occasion, and I should like to express my appreciation and my gratitude to my friends of many years' standing in the Finance department.

There is another department that deserves my gratitude and that of the House,—the Government Press. The recent and lamentable change in the accounts system: the early date of presentation: the difficult character of the budget itself—have all delayed progress, and the press have had to work double tides to get the estimates printed in time. I wish to thank Mr. Crighton and his men for bringing this troublesome job off so successfully.

14. Let me now summarize the situation as I see it. The financial position of the province at the moment presents a depressing picture. The principal, and only immediate, cause is a series of calamities, which could neither have been foreseen nor prevented. Though we may hope for some measure of improvement, we cannot, and indeed dare not, reckon on it. We must calculate on the assumption that adjustment of means to ends will be a slow and painful process. We have already cut deep into our expenditure and propose to cut it to the bone. Even that, however, will not suffice. And so having done whatever is possible in the way of retrenchment, I am compelled to ask the Council for further assistance in the shape of additional taxation.

Conclusion.

Besides retrenchment and additional taxation, there is yet a third method by which it might be possible to regain financial equilibrium. We are at present in the position of a client, who has a large and totally unsecured overdraft at his bank. Such a client will inevitably be pressed by the bank to repay the overdraft as early as possible, and meantime must pay a high rate of interest on it. But should the client, by reducing his expenditure as far as he can, or by securing such additional income as may be obtainable, give proof of his desire to square his account, then the bank will probably be willing to assist him in the process. It might, for instance, agree to fund the overdraft,—that is to say, to turn that draft into a definite loan repayable in a comparatively long period, and carrying a relatively low rate of interest. We have already done and are still doing all that we can to reduce our expenditure. Let the Council now provide the additional income for which we ask, and I feel that the Government of India would consider sympathetically any proposal to fund our deficit, or so much of it as was then uncovered. The question of course cannot be raised now: next year or the year after would be the suitable time. Meantime, let us courageously impose this additional burden on ourselves: and having done all we can to help ourselves, we shall be entitled to ask the Government of India to help us.

TRANSACTION OF NON-OFFICIAL BUSINESS.

The Hon'ble the President: Lala Anand Swarup is away. Is Mr. Ahmad Shah here? (After a pause) Mr. Ahmad Shah is not present, I had specially arranged yesterday that non-official business should be taken up to-day after the presentation of the budget. It appears, however, that there is not much keenness about the transaction of non-official business. Council is adjourned till Monday next.

The Council was adjourned at 11-10 a.m. till February 22, 1932.

APPENDIX A.

(See page 35 *supra*.)

Statement referred to in the answer to starred question No. 7 for February 20, 1932, asked by KUNWAR JAGBHAN SINGH.

District.	Tahsil.	Amount of land revenue realized.	Amount of land revenue remitted.	Amount of rent remitted.
		Rs. a. p.	Rs. a. p.	Rs. a. p.
Hamirpur	Hamirpur ..	86,206 10 9	*34,438 2 0	*1,72,890 0 0
	Maudaha ..	1,50,085 9 1	*54,389 4 0	*2,34,475 0 0
	Mahoba ..	1,11,671 10 4	*40,391 8 0	*1,63,584 11 4
	Rath ..	1,19,866 15 7	*36,509 4 0	*1,15,143 0 0
	Total ..	4,67,830 13 9	1,65,728 2 0	7,06,032 11 4

* Includes remission for rabi 1899 Fasli sanctioned during the current financial year.

APPENDIX B.

(See page 35 *supra*.)

Statement referred to in the answer to starred question No. 8 for February 20, 1932, asked by KUNWAR JAGBHAN SINGH.

District.	Incidence per acre of land revenue on fully assessed area.	
	For total area.	For cultivated area.
	Rs. a. p.	Rs. a. p.
Jhansi	0 4 11	0 14 1
Jalaun	0 15 5	1 9 0
Hamirpur	0 9 11	1 4 8
Banda	0 8 0	1 2 6
Total	0 8 9	1 3 3

APPENDIX C.

(See page 45 supra.)

GOVERNMENT OF THE UNITED PROVINCES.

APPOINTMENT DEPARTMENT.

No. 2815/II—194.

Dated Allahabad, July 4, 1931.

OFFICE MEMO.

THE Government intend to fix new scales of pay for future holders of posts in the provincial, specialist and subordinate services under their control: and all departments should now proceed to revise the scales at once according to the Finance department's confidential memo. No. F.N.-415/X, dated June 16, 1931. Pending the introduction of the revised scales it has been decided that—

- (a) all posts which may fall vacant shall, as far as possible, be held in abeyance:
- (b) if such posts have to be filled, whether by direct recruitment or promotion, appointment to them shall be made on a temporary basis only:
- (c) the pay of persons so appointed shall not exceed two-thirds of the sanctioned pay of the post, provided that the pay of an officer promoted to a higher post shall not be less than his substantive pay in his old post:
- (d) a person on his appointment shall be clearly warned—
 - (i) that the appointment is temporary only;
 - (ii) that the pay has been provisionally fixed;
 - (iii) that both the nature of the appointment and the scale of pay are subject to reconsideration.

These restrictions do not, however, apply to the pay of a government servant on his promotion to a post borne on the cadre of, or reserved for, the service to which he belongs. In this connection attention is invited to rule 9 of the Classification, Control and Appeal Rules, which precludes the local Government, without the sanction of the Secretary of State, from making a rule which may adversely affect a person in service on May 27, 1930, to whom those rules apply.

R. D. W. D. MACLEOD,

Deputy Secretary.

To—All departments of the Secretariat, including the Public Works department, Buildings and Roads and Irrigation branches.

Copy of a letter no. 661/XIII—189, dated December 2, 1931, from the Secretary to Government, United Provinces, Excise department, to the Excise Commissioner, United Provinces.

WITH reference to your letter No. 6708/IVA—150, dated October 7, 1931, I am directed to say that as promotion to the various grades (*viz.*, Rs. 50, 60 or 75) prescribed for the clerical establishment in the subordinate

offices of the Excise department is made from amongst the assistants in the lower grades the restrictions imposed by the Appointment department memo. no. 2815/II—194, dated July 4, 1931, do not apply to the two clerks referred to. The Government accordingly agree with you that, with effect from July 22, 1931, the pay of the two clerks in question, who have been promoted from the Rs. 45 and Rs. 50 per mensem grades should be fixed at Rs. 50 and Rs. 60 per mensem grades respectively.

The restrictions imposed by the Appointment department memo. referred to in paragraph 1 above will, however, apply to the appointment in the last grade if made after July 4, 1931.

No. F.L.-1517/X—216.

FROM

H. A. LANE, Esq., C.I.E., I.C.S., M.L.C.,
SECRETARY TO GOVERNMENT,
UNITED PROVINCES FINANCE (A) DEPARTMENT,

TO

ALL HEADS OF DEPARTMENTS, COMMISSIONERS OF DIVISIONS,
DISTRICT AND SESSIONS JUDGES, DISTRICT OFFICERS, THE
PRIVATE SECRETARY TO HIS EXCELLENCY THE GOVERNOR,
THE EXAMINER OF LOCAL FUND ACCOUNTS, THE CHIEF
INSPECTOR OF OFFICES, THE ADMINISTRATOR-GENERAL AND
OFFICIAL TRUSTEE, AND THE SUPERINTENDENT, PRINTING
AND STATIONERY, UNITED PROVINCES.

Dated Lucknow, January 11, 1932.

SIR,

PENDING the introduction of revised rates of pay for the provincial, specialist and subordinate services in the United Provinces, the Government in their memorandum No. 2815/II—194, dated July 4, 1931, issued certain instructions for the guidance of all appointing authorities for fixing the pay of government servants promoted or recruited to those services. But numerous inquiries, which have since been received from various authorities as to the exact scope and intention of those instructions, show that they have not been sufficiently explained. I am, therefore, directed to state in detail the intentions of the Government and to request you to follow them in filling vacancies that have occurred since July 4, 1931, the date of issue of the above orders.

2. Recruitment to the provincial, specialist and subordinate services is made in three different ways, viz., by competitive examination, by selection otherwise than as a result of a competitive examination and by promotion of an existing government servant. In the first case the criterion to be applied in fixing the pay of persons who entered a service after July 4, 1931, is whether the candidate was given to understand when he sat for the examination that his pay would be on the existing scale. If such an undertaking was given or implied, he on his appointment should be allowed the *existing* and not the reduced rate of pay, even though he may be appointed after July 4, 1931. For future examinations a clear warning must be given that the pay will be reduced. The successful candidates will then have no claim to the existing scale of pay.

3. The above principle applies also to a candidate or apprentice selected otherwise than as a result of a competitive examination, provided (a) that his name was definitely entered in a properly maintained waiting list of candidates, and (b) that he actually acted in a post belonging to the class for which he was selected and drew pay on the existing scale before July 4, 1931. Such candidates and apprentices will be allowed the existing scale of pay whenever they are appointed to act or are confirmed in a post for which they have been approved. Candidates and apprentices selected after this date, and those selected before that date but who before that date did not act in the post for which they were selected, should, like persons never brought on to a list of approved candidates, on their appointment to a post be given the reduced rate of pay. It is recognized that strict application of these provisos may cause hardship in some cases. If such cases occur they should be referred to the administrative departments of the Government who will, in consultation with the Finance department, pass suitable orders.

4. The third class of cases, namely, of appointment by the promotion of existing government servants, has caused the greatest difficulty specially in regard to promotion to ministerial posts. I am to explain that for the purpose of paragraph 4 of the memorandum of July 4, 1931, all posts in an office or a section of an office for which recruitment is made only at the bottom other posts being filled up by the promotion of the existing men in the office or section in the ordinary course, to the exclusion of outsiders and government servants belonging to other offices or other sections of the same office, should be deemed to be posts borne on the same cadre. They should also be deemed to be reserved for the men of that office or section and any person, provided that he held a permanent post on July 4, 1931, or was an approved candidate or apprentice satisfying the conditions laid down in paragraph 3 above is entitled on his promotion from one post to another in such an office or section to the existing and not the reduced scale of pay. A few examples will make the meaning clear. A clerk in a district office (including the treasury office) on his promotion to another post in the same office should be allowed the full rate of pay; clerks in the office of the Board of Revenue on their promotion from one progressive scale to another are entitled to the full scales of pay. Posts of superintendent of the United Provinces Secretariat are reserved for superior service assistants, of the Secretariat. Similarly, posts of office superintendent and treasury head clerk in district offices are reserved for approved clerks of district and commissioners' offices, and certain posts of inspector of offices are reserved for office superintendents of district offices. A certain percentage of appointment in some headquarters offices are under special orders reserved for clerks in subordinate offices, e.g., some posts in the office of the Director of Public Instruction are invariably filled by the promotion of clerks of the offices of the Inspectors of Schools and are thus reserved for them. When an appointment is made to a post so reserved by the promotion of a clerk for whose service it is reserved, the full rate of pay fixed for the post should be allowed. Any other concrete cases not covered by the above instances in which doubts as to the rate of pay to be allowed still exist should be referred to the administrative department of the Government who will settle them after consideration of the method of appointment.

5. The above principle will not apply to any government servant who is promoted to a post not reserved for the service or establishment to

which he belongs, nor will it apply to appointments to posts outside the time or graded scale which are made strictly by selection. The question of pay to be allowed to a government servant on his promotion to a selection post in his own line is under separate consideration and final orders will be issued later. In the meanwhile concrete cases that may arise will be decided on the merits of the case with due regard to the substantive pay of the individual selected for appointment.

6. Appointing authorities should now review all cases of recruitment and promotion since July 4, 1931, in the light of the above explanation and take such action as may be necessary to enhance or reduce the pay of all government servants that may be affected.

I have the honour to be,

SIR,

Your most obedient servant,

H. A. LANE,

Secretary.

APPENDIX D.

(See page 46 *supra*.)

Statement referred to in the answer to question No. 76 for February 20, 1932, asked by KHAN BAHADUR HAFIZ GHAZANFARULLAH.

Year.	Work outlay.	Number of assistant engineers, ^a upper and lower subordinates.		Total establishment charges.
		Assistant engineers.	Upper and lower subordinates.	
Bareilly division.				
	Rs.			Rs.
1928-29 ..	5,27,026	3	10	1,03,866
1929-30 ..	6,69,390	3	9	99,519
1930-31 ..	6,65,303	3	9	1,00,546
Meerut division.				
1928-29 ..	11,16,909	4	16	1,51,507
1929-30 ..	14,30,184	4	16	1,48,115
1930-31 ..	11,37,375	4	15	1,46,296
Gonda division.				
1928-29 ..	3,10,395	5	7	61,855
1929-30 ..	3,57,835	2	7	66,536
1930-31 ..	3,53,512	4	6	69,959

APPENDIX E.

(See page 46 *supra*.)

Statement referred to in the answer to starred Council question No. 78 for the Council meeting of February 20, 1932 asked by KHAN BAHADUR HAFIZ GHAZANFARULLAH.

12. Minhajpur Sarai Scheme.
14. Katra Housing Scheme.
16. Extension of " O " Road from Sheocharan Lal Road to Johnston-ganj.
18. South Malaka Housing Scheme.
19. Roshan Khan ka Bagh Scheme.
20. Supplementary " O " Road Scheme.
21. Mirganj Open Area Scheme.
26. and 28. Open Area Schemes.

LEGISLATIVE COUNCIL, UNITED PROVINCES OF AGRA AND OUDH.

Monday, February 22, 1932.

THE Council met at the Council House, Lucknow, at 11 a.m.
The Hon'ble Sir Sita Ram in the Chair.

PRESENT 85.

The Hon'ble Mr. E. A. H. Blunt.
The Hon'ble Nawab Sir Muhammad Mazammil-ullah Khan.
The Hon'ble Nawab Muhammad Yusuf.
The Hon'ble Mr. J. P. Srivastava.
Mr. J. M. Clay.
Mr. H. A. Lane.
Mr. P. Mason.
Mr. V. N. Mehta.
Mr. C. St. L. Teyen.
Mr. F. Canning.
Mr. J. R. W. Bennett.
Mr. A. H. Mackenzie.
Mr. J. N. L. Sathe.
Mr. R. D. W. D. Macleod.
Rai Bahadur Pandit Suraj Din Bajpai.
Pandit Tika Ram Misra.
Mr. E. F. Oppenheim.
Mr. K. N. Knox.
Mr. S. T. Hollins.
Lieut.-Col. C. L. Dunn.
Khan Bahadur Maulvi Fasih-ud-din.
Mr. H. C. Desanges.
Mr. E. Ahmad Shah.
Mr. Perma.
Rai Bahadur Babu Awadh Bihari Lal.
Chaudhri Ram Dayal.
Chaudhri Jagarnath.
Chaudhri Baldeva.
Sahu Jwala Saran Kothiwala.
Mr. Tappu.
Pandit Moti Lal Bhargava.
Chaudhri Ram Chandra.
Chaudhri Ghasita.
Chaudhri Arjun Singh.
Rao Bahadur Thakur Pratap Bhan Singh.
Pandit Joti Prasad Upadhyaya.
Chaudhri Dharya Singh.
Rao Krishna Pal Singh.
Honorary Lieut. Raja Kali Charan Misra.
Thakur Balwant Singh Gahlot.
Rai Bahadur Babu Brij Lal Badhwar.
Rao Bahadur Kunwar Sardar Singh.
Rai Sahib Lala Manmohan Sahai.
Babu Ram Bahadur Saksena.

Lala Shyam Lal.
Kunwar Jagbhan Singh.
Thakur Keshava Chandra Singh.
Mr. Brijuandan Lal.
Chaudhri Ram Adhin.
Mr. Bhondwa.
Chaudhri Bharos.
Pandit Shri Sadayatan Pande.
Rai Bahadur Babu Jagadeva Roy.
Mr. Dahari.
Rai Rajeshwari Prasad.
Rai Bahadur Thakur Shiva Pati Singh.
Thakur Giriraj Singh.
Pandit Prem Ballabh Belwal.
Thakur Jaog Bahadur Singh Bisht.
Pandit Brahma Dutt alias Bhaiya Sahib.
Rai Bahadur Thakur Hanuman Singh.
Lal Sheo Pratap Singh.
Kunwar Diwakar Prakash Singh.
Thakur Muneshwar Baksh Singh.
Raja Jagdambika Pratap Narayan Singh.
Rai Bahadur Kunwar Surendra Pratap Sahi.
Rai Rajeshwar Bali.
Khan Sahib Muhammad Maqsood Ali Khan.
Shah Nazar Hussain.
Nawabzada Muhammad Liaquat Ali Khan.
Khan Bahadur Maulvi Saiyid Habibullah.
M. Nisarullah.
Khan Bahadur Saiyid Jafer Hosain.
Shaikh Afzal-ud-din Hyder.
Sirdar Muhammad Shakirdad Khan.
Muhammad Imtiaz Ahmad.
Shaikh Muhammad Habibullah.
Raja Muhammad Ejaz Rasul Khan.
Mr. L. M. Medley.
Rai Sahib Lala Anand Sarup.
Chaudhri Muhammad Ali.
Thakur Rampal Singh.
Rai Bahadur Kunwar Bisheshwar Dayal Seth.
Raja Jagannath Baksh Singh.
Babu Gajadhar Prasad.

QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

MONOPOLY OF PLYING HIRED MOTOR VEHICLES IN FAVOUR OF SETH AMBA PRASAD, SAHARANPUR.

*1. **Pandit Shri Sadayatan Pande** (*absent*): Is it a fact that in spite of the answers of the Government to questions Nos. 1 to 4, asked in the Legislative Council on March 18, 1930, the monopoly of plying hired motor vehicles in favour of Seth Amba Prasad has not yet been cancelled? If so, why did the Government give an answer in the Legislative Council? What were the reasons which led the Government later on to keep on the said monopoly intact?

The Hon'ble the Minister for Local Self-Government (Nawab Muhammad Yusuf): No: the Government have already held that the agreement entered into by the District Magistrate of Saharanpur with Seth Amba Prasad, purporting to give the latter a definite monopoly over certain roads for five years or more, is void. The case, therefore, again rests with the power given to the local authorities under the law and rules, and if their orders should from time to time result in a virtual monopoly for any person for any period it is a matter for their discretion. I would, however, invite the attention of the honourable member to the answer which I shall be giving to question No. 11 asked by him.

*2. **Pandit Shri Sadayatan Pande** (*absent*): Will the Government kindly lay on the table the copy of agreement-deed entered into between the District Magistrate and Seth Amba Prasad? Under what law or rule of law was this agreement made?

The Hon'ble the Minister for Local Self-Government: In view of the answer given to question No. 1, Government do not consider that any useful purpose will be served by laying a copy of the so-called agreement, which is now a dead letter, on the table of the honourable member.

*3. **Pandit Shri Sadayatan Pande** (*absent*): Was the permission of the Government obtained before the District Magistrate granted this monopoly?

The Hon'ble the Minister for Local Self-Government: No.

*4. **Pandit Shri Sadayatan Pande** (*absent*): In how many districts of these provinces such monopolies have been granted?

The Hon'ble the Minister for Local Self-Government: No monopoly for plying motor vehicles for hire has been explicitly granted in any district of the province. The local authorities have, however, full authority under the law and rules to grant or withhold a permit in each case for plying motor vehicles for hire on specified roads as stated in the latter part of the reply to question No. 1.

*5. **Pandit Shri Sadayatan Pande** (*absent*): Is it a fact that the district authorities have refused permits for the use of *kachcha* roads in Saharanpur district to all except Seth Amba Prasad since January 1930? If so, how many such applications have been rejected since then and on what grounds?

The Hon'ble the Minister for Local Self-Government: Yes. Eighteen applications have been rejected in exercise of the discretion of the local authorities.

*6. **Pandit Shri Sadayatan Pande** (*absent*): Is it a fact that the Saharanpur district board, which is responsible for the upkeep and repairs of the *kachhri* roads in the district, passed a resolution on January 28, 1930, strongly protesting against this grant of monopoly?

The Hon'ble the Minister for Local Self-Government: Yes. The board did not approve of the monopoly established by the agreement since declared void by Government.

*7. **Pandit Shri Sadayatan Pande** (*absent*): Is it a fact that the people and the representatives of the people of Saharanpur district have always been protesting against this action of the District Magistrate?

The Hon'ble the Minister for Local Self-Government: Interested persons have certainly protested against the present arrangement. The general public is reported to be satisfied with it, as is evident from a number of widely signed applications to this effect, received by the District Magistrate.

*8. **Pandit Shri Sadayatan Pande** (*absent*): Is it a fact that the people of Gangoh and other surrounding villages applied to the district authorities that the rates of fare, charged by Seth Amba Prasad, were too high? If so, with what result?

The Hon'ble the Minister for Local Self-Government: Only one such application was received, as a result of which the rate of fare was reduced.

*9. **Pandit Shri Sadayatan Pande** (*absent*): Is it a fact that on Seth Amba Prasad's refusal to reduce the rates satisfactorily, some enterprising men of Gangoh began to ply horse tongas between Nakur and Gangoh? Were these tongawallas fined and their permits cancelled by the sub divisional officer?

The Hon'ble the Minister for Local Self-Government: Only those persons who had unsuccessfully applied for licences to ply motor lorries for hire on these roads started plying horse tongas for hire without obtaining the necessary permission.

They were fined under the Stage Carriages Act.

*10. **Pandit Shri Sadayatan Pande** (*absent*): Will the Government kindly state how many tongawallas have during the last ten years been punished under the Stage Carriages Act like the above tongawallas?

The Hon'ble the Minister for Local Self-Government: The prosecutions mentioned in the answer to the preceding question are the only ones under the Stage Carriages Act in the Saharanpur district during the last ten years.

*11. **Pandit Shri Sadayatan Pande** (*absent*): Are Government prepared to consider the advisability of cancelling the monopoly even now?

The Hon'ble the Minister for Local Self-Government: The agreement creating a monopoly in favour of Seth Amba Prasad has already been declared void and the Government are now undertaking a comprehensive reconsideration in all its aspects of their policy as regards this difficult question of taxation of commercial traffic for the benefit of the roads which carry it. Pending completion of this inquiry they are not prepared to interfere with the discretion vested in the local authorities under the law as long as it is reasonably exercised.

LAND REVENUE IN HARDOI, UNAO, RAE BARELI AND BARA
BANKI DISTRICTS.

*12. **Thakur Muneshwar Bakhsh Singh** (*absent*): Will the Government be pleased to state the particulars with regard to the districts of Hardoi, Unao, Rae Bareli and Bara Banki in the following tabular form? :—

Name of the district.	Year or years of the enforcement of the new land revenue.	Total amount of rents at the time of new settlement.	Total amount of rents at present.	Remission of rent in 1339 <i>Fasli</i> .		Land revenue before the new settlement.	Present land revenue.	Remission of revenue in 1339 <i>Fasli</i> .	
				Amount of remission.	Percentage of remission.			Amount of remissions.	Percentage of remissions.

The Hon'ble the Finance Member (Mr. E. A. H. Blunt): The information is in the statement laid on the honourable member's table.

(See Appendix A, page 92.)

REALIZATION OF CANAL DUES.

*13. **Khan Sahib Muhammad Hadiyar Khan** (*absent*): (a) Is it a fact that in the Council session the Hon'ble the Finance Member had assured the House that the Government would realize the canal dues themselves direct from the tenants where the zamindars had refused to realize them and returned the *jamabandis*?

(b) Are Government aware that the District Magistrate, Moradabad, has issued orders to the tahsildars of Amroha and Moradabad, that if zamindars refuse to take the *jamabandis* they may be kept at tahsils, and at the expiration of the time of realization of the canal dues they may be realized from the zamindars whether they have actually realized them or not? If so, why and under what rule?

(c) Will the Government be pleased to consider the question of issuing orders for the cancellation of such a circular of the Collector of Moradabad and of directing him that where the zamindars have returned the *jamabandis* the Collector will realize the money through the tahsildars direct from the tenants as assured by the Government?

The Hon'ble the Finance Member: (a) Government are not aware that any such assurance was given and have been unable to discover one in the Council proceedings of July and December last.

(b) No such order has been issued by the Collector of Moradabad to the Tahsildars of Amroha and Moradabad, but certain *jamabandis* of Amroha tahsil, which the lambardars refused to accept, have been kept at the tahsil with a view to recovery of the canal dues as arrears of revenue after the expiry of the term for realization.

(c) Government are issuing orders for direct collection from the cultivators in 16 cases in Moradabad district in which the lambardars have refused *jamabandis*.

*14 to *16. **Mr. E. M. Scuter** : [*Postponed at the request of Government.*]

CHARGES FOR THE SUPPLY OF ELECTRICITY.

*17. **Mr. C. Y. Chintamani** (*absent*) : Will the Government be pleased to state the result of their consideration of Council's recommendation to set up a competent and independent investigation to determine the reasonableness of the charges for consumption made by the United Provinces and other electric supply companies in these provinces?

The Hon'ble the Finance Member : Government have appointed a committee under the chairmanship of Sir Henry Stanyon to examine the rates charged for electricity and to recommend to Government whether an Advisory Board should be set up under section 35 of the Indian Electricity Act, 1910.

REDUCTION IN THE SALARIES OF GOVERNMENT SERVANTS.

*18. **Mr. C. Y. Chintamani** (*absent*) : Will the Government be pleased to state their decision on this Council's recommendation that no reduction in salary should be made in the case of government servants drawing Rs. 50 or less per mensem?

The Hon'ble the Finance Member : In view of the financial situation Government are unable to give effect to this recommendation.

RECOMMENDATIONS OF THE RETRENCHMENT COMMITTEE.

*19. **Mr. C. Y. Chintamani** (*absent*) : Will the Government be pleased to state what decisions they have reached on the various recommendations of the Retrenchment Committee considered with the opinions expressed in the debate in Council of December 21 and 22?

The Hon'ble the Finance Member : The honourable member is referred to the budget which was presented on Saturday. He will there find all the information that Government can at present supply.

*20. **Mr. C. Y. Chintamani** (*absent*) : [*Postponed at the request of Government.*]

CONVICTION AND CLASSIFICATION OF MEN AND WOMEN FOR NON-VIOLENT POLITICAL OFFENCES.

*21. **Mr. C. Y. Chintamani** (*absent*) : (a) How many of the persons convicted of non-violent political offences are being treated as "A," "B" and "C" class prisoners?

(b) How many women have been prosecuted and sentenced to imprisonment for political offences and how many of them are being treated as "A," "B" and "C" class prisoners?

The Hon'ble the Home Member (Nawab Sir Muhammad Muzamil-ullah Khan) : (a) On January 31, 1932, the number of persons convicted in connection with the civil disobedience movement and placed in "C" class was 3,141: in "B" class 91 and in "A" class 22.

(b) On January 31 last the number of women sentenced to imprisonment for similar offences and placed in "C" class was 68: in "B" class 12 and in "A" class 3.

*22 and *23. **Mr. C. Y. Chintamani** (*absent*): [*Postponed at the request of Government.*]

NOMINATION TO LOCAL BOARDS.

*24. **Mr. C. Y. Chintamani** (*absent*): Will the Hon'ble the Minister for Local Self-Government be pleased to state to how many district and municipal boards he has nominated members of one or another depressed class to represent those classes and to how many he has nominated (i) Christians, (ii) Muslims and (iii) caste Hindus to represent the depressed classes? Will he further state for what reasons he has made the latter class of nominations?

The Hon'ble the Minister for Local Self-Government: Seventy representatives of the depressed classes have been nominated to 45 district and 25 municipal boards. All of these are members of the depressed and backward classes; one is a Muslim Lohar, who as the sitting member was renominated in the absence of any other candidate or recommendation from the local authorities, and another, a Mukeri, is also a Muslim who has been renominated.

ABOLITION OF CARPENTRY SCHOOL, ALLAHABAD.

*25. **Mr. C. Y. Chintamani** (*absent*): Will the Hon'ble the Minister for Industries state if there is truth in the report that Government intend to abolish the Carpentry School at Allahabad? If so why? And why was not the Government's intention disclosed when the Council discussed the report of the Retrenchment Committee in December?

The Hon'ble the Minister for Education (**Mr. J. P. Srivastava**): There is no proposal before Government for the abolition of the Carpentry School at Allahabad.

ELECTRIC CHARGES PER UNIT FOR IRRIGATING AGRICULTURAL LAND, ETC.

*26. **Rai Sahib Lala Anand Sarup** (*absent*): (a) Will the Government be pleased to state the electric charges per unit for irrigating agricultural land and for irrigating gardens and orchards in the rural areas of the western hydro-electric division?

(b) Is it a fact that there exists a difference between the two rates? If so, why?

The Hon'ble the Finance Member: (a) The charges for electricity used in pumping water for irrigating agricultural lands is one anna per unit and those for pumping water for irrigating gardens and orchards one anna and six pies.

(b) Yes, there is a difference of six pies per unit between the two rates. The reason is that the rate of one anna is an extremely low rate and is below the actual cost price. It has been offered solely in the interest of commercial agricultural development and cannot be reasonably extended for other purposes, such as irrigating gardens and orchards. These latter are a more profitable business and can afford to pay the higher rate.

*27. **Rai Sahib Lala Anand Sarup** (*absent*): Do Government intend to keep the uniform rates of one anna per unit for both and make no distinction?

The Hon'ble the Finance Member: The question of charging a uniform rate of one anna for electricity used for irrigating both agricultural lands and gardens and orchards in rural areas is, however, under the consideration of Government.

EXPERIMENTAL HYDRO-ELECTRIC TUBE-WELLS.

*28. **Rai Sahib Lala Anand Sarup** (*absent*): Will the Government be pleased to state the number of experimental hydro electric tube-wells in the province sunk during the last three years with their cost both recurring and non-recurring?

The Hon'ble the Finance Member: The number of electric-operated wells sunk or being sunk for experimental purposes is 14 in 8 groups. The cost will be approximately one lakh (non-recurring). The projects are yet in the experimental stage but it is expected that the recurring cost will be covered by the revenue obtained. But no figures of recurring cost are yet available as they will largely depend on the number of hours the wells are utilized for supplying water.

*29. **Rai Sahib Lala Anand Sarup** (*absent*): Will the Government be pleased to state the places where they have been sunk and the terms on which they are working?

The Hon'ble the Finance Member: The tube-wells have been sunk in a group of villages in the Bilari tahsil of the Moradabad district.

For experimental purposes they were all kept in a small area where comparative results could be observed.

The terms on which they are working are given in reply to starred question No. 30.

*30. **Rai Sahib Lala Anand Sarup:** Will the Government be pleased to state the rates which are charged for irrigation of the different agricultural crops by these experimental hydro-electric tube-wells?

The Hon'ble the Finance Member: In the group of large tube-wells constructed by the Agriculture department and feeding a canal three miles long the rates are tentatively fixed as follows:—

Rupees 5 per acre per watering for sugarcane.

“ 4 “ “ “ other crops.

For the present *rabi fasl* the rates for wheat and barley have been reduced to Rs. 3 per acre per watering. On the seven other tube-well groups the rate is annas 2 per unit of electricity.

All rates are purely temporary and experimental.

*31. **Rai Sahib Lala Anand Sarup:** Do Government intend to start similar experimental tube-wells in Muzaffarnagar also?

The Hon'ble the Finance Member: At present there is no proposal to sink other wells. The present experiments will determine the type most suitable for state irrigation.

*32. **Rai Sahib Lala Anand Sarup:** Will the Government be pleased to state the fee of the Electric Inspector to the Government, United Provinces, charged for his inspection from every individual for every hydro electric motor installed?

The Hon'ble the Finance Member : The new fee is Rs. 1 for every kilowatt of plant installed subject to a minimum of Rs. 5 and a maximum of Rs. 10.

***33. Rai Sahib Lala Anand Sarup :** Will the Government be pleased to state whether this fee is charged separately for each motor installed by the same owner and at the same place?

The Hon'ble the Finance Member : Yes.

***34. Rai Sahib Lala Anand Sarup :** Will the Government be pleased to state whether the Electrical Engineer to Government, United Provinces, inspects the electric motor immediately after the receipt of the fee or not? If not at once, then how long afterwards?

The Hon'ble the Finance Member : The fee is paid when the necessary notice is given to the Electric Inspector and the inspection is made at some subsequent and unexpected date.

***35. Rai Sahib Lala Anand Sarup :** Will the Government be pleased to state whether this inspection fee is charged only in the western hydro-electric division or is it charged throughout the province from every consumer?

The Hon'ble the Finance Member : The fee is recovered from every owner in the province.

***36. Rai Sahib Lala Anand Sarup (absent) :** Is it a fact that the Resident Engineer of the Electric Company in each electrified district inspects the motor before supplying him with the current?

The Hon'ble the Finance Member : Yes.

***36A. Rai Sahib Lala Anand Sarup (absent) :** If the answer to the above question be in the affirmative, will the Government be pleased to state what benefit does the motor user derive from the inspection of his electric motor by the Government Electric Inspector?

The Hon'ble the Finance Member : A lessening of the risk of fire to his premises and injury by electric shock to the employees.

***37. Rai Sahib Lala Anand Sarup :** Is it a fact that the Upper Jumna Electric Supply Company supplies the electric current to both agriculturists and industrialists for a minimum guarantee of consumption of 600 units per B. H. P. per annum even when the consumer pays for the connecting service line in cash?

The Hon'ble the Finance Member : Yes.

***38. Rai Sahib Lala Anand Sarup :** If the answer to the above question be in the affirmative, will the Government be pleased to state why such guarantee has been levied on every motor user irrespective of his paying of the total cost of the service line?

The Hon'ble the Finance Member : For every motor connected to the grid system a certain amount of power has to be provided and reserved at the power stations and it is necessary in the interest of the public revenues to stipulate a minimum consumption to cover the reservation charges and to discourage frivolous connections. This applies to everybody whether he did or did not pay for the service line.

***39. Rai Sahib Lala Anand Sarup :** Will the Government be pleased to consider the advisability of exempting those consumers who pay for the electric service line in cash from this minimum guarantee?

The Hon'ble the Finance Member : The question of payment for the service line has nothing to do with the imposition of the minimum guarantee which is based as explained in answer to starred question No. 38 on altogether different consideration.

***40. Rai Sahib Lala Anand Sarup :** Will the Government be pleased to state the reasons why this minimum guarantee is the same for the agriculturists and the industrialists ?

The Hon'ble the Finance Member : Because the same amount of power has to be reserved per B. H. P. whether the motor is used for industrial or for agricultural purposes.

***41. Rai Sahib Lala Anand Sarup :** Are Government aware that the industrialists use their motors for all days in the year except when it is out of order and the agriculturists use their motors only in season either of pumping water or cane crushing, etc. ? If so, will the Government consider the advisability of either exempting the agricultural consumer from this guarantee or of at least reducing this guarantee to 300 units B. H. P. per annum ?

The Hon'ble the Finance Member : There are 8,760 hours in a year and if the agricultural motor is worked for 800 hours only during the whole year the consumption therefrom will cover the minimum guarantee. It is not profitable to connect any motor whether used for industrial or for agricultural purposes, which it is not intended to work even for one day out of eleven days. The reduction of the minimum guarantee of 600 units per B. H. P. is not, therefore, considered advisable. Agricultural consumers are, on the other hand, being encouraged to develop other uses for electric power on which to employ their motors during the various seasons.

***42. Rai Sahib Lala Anand Sarup :** Is it a fact that those motors which are used to pump water for gardens or orchards are classified for industrial purposes and charged at the same rate ? If so, why ?

The Hon'ble the Finance Member : Yes, for the reason stated in the answer to starred question No. 26 (b).

***43. Rai Sahib Lala Anand Sarup :** Will the Government be pleased to state if the gardening section comes under the Agricultural or the Industrial department ?

The Hon'ble the Minister for Education : Agriculture department.

***44 to *47. Sahu Jwala Saran Kothiwala :** [*Postponed at the request of Government till February 29, 1932.*]

***48 to *52. Pandit Shri Sadayatan Pande :** [*Postponed at the request of Government.*]

DEPUTY DIRECTOR OF GARDENS.

***53. Rai Sahib Lala Anand Sarup (absent) :** Is it a fact that the Deputy Director of Gardens is generally promoted from the lower rank of superintendent of some horticultural garden ?

The Hon'ble the Minister for Education : Yes.

***54. Rai Sahib Lala Anand Sarup (absent) :** Are Government aware that the post of the Deputy Director of Gardens has been recommended for reduction by the Retrenchment Committee ? If so, what action do Government propose to take in this connection ?

***54. The Hon'ble the Minister for Education :** (a) Yes.

(b) Government have accepted the alternative suggestion of the Retrenchment Committee and have decided to reduce two posts of superintendent.

***55. Rai Sahib Lala Anand Sarup** (*absent*): Will the Government consider the advisability of appointing a fruit specialist as in the Punjab and Bombay, instead of the Deputy Director of Gardens?

The Hon'ble the Minister for Education : Mr. Head is also a horticulturist. The question does not therefore arise.

PAY OF ENGLISH TEACHERS IN THE VERNACULAR MIDDLE SCHOOLS.

***56. Rai Sahib Lala Anand Sarup** (*absent*): With reference to the answer to unstarred question No. 10 of December 17, 1929, will the Government be pleased to state what action have they taken since then, on the question of pay of the English teachers in the vernacular middle schools?

The Hon'ble the Minister for Education : On account of the financial situation Government have been unable to take action in the matter.

SCALE OF ENGLISH TEACHERS IN TOWN SCHOOLS.

***57. Rai Sahib Lala Anand Sarup** (*absent*): Do Government intend to revise the scale of the English teachers in the town schools as was also recommended by the Inspectors' Conference held at Naini Tal in June 1928? If so, when?

The Hon'ble the Minister for Education : Government will consider the matter when the financial situation permits them to do so.

STATE SCHOLARSHIPS IN AGRICULTURE.

***58. Rai Sahib Lala Anand Sarup** (*absent*): With reference to the answer to starred question No. 57 of July 23, 1931, will the Government be pleased to state their final decision on the award of State scholarships in Agriculture for the current year?

***59.** Is it a fact that previously three foreign scholarships were being awarded every year by the Government for training in Agriculture?

***60.** Will the Government be pleased to consider the desirability of awarding at least one scholarship in Agriculture this year?

***58 and *60. The Hon'ble the Minister for Education :** Government have in view of the financial stringency decided not to award State scholarship in Agriculture during this year.

***59, Yes.**

REDUCTION IN FEES OF GOVERNMENT PLEADERS AND DEFENCE COUNSEL.

***61. Khan Bahadur Maulvi Fasih-ud-din :** (a) Is it a fact that Government have recently reduced the fees of Government pleaders and defence counsel engaged by Government in unrepresented murder cases from Rs. 30 to Rs. 25 and Rs. 20 per day? respectively

(b) If so, what are the reasons which led Government to fix different scales of fees for the two classes of counsel and for the same work ?

The Hon'ble the Home Member : (a) The reductions are from Rs. 30 to Rs. 24 and from Rs. 30 to Rs. 20 respectively.

(b) Government pleaders are required to represent the Crown in all kinds of cases and it was considered necessary, therefore, to fix a rather higher fee for them.

*62. **Khan Bahadur Maulvi Fasih-ud-din :** Are Government aware that the reduction of rates may not attract senior and able counsel to accept defence in unrepresented murder cases ?

The Hon'ble the Home Member : Government do not expect to find any difficulty in engaging competent pleaders to represent the accused in murder cases on the reduced fee.

Khan Bahadur Maulvi Fasih-ud-din : Are those pleaders thought less competent than Government pleaders ?

The Hon'ble the Home Member : I do not think so.

Khan Bahadur Maulvi Fasih-ud-din : Then why this difference in their pay ?

The Hon'ble the Home Member : Because as I answered previously Government pleaders are required to appear in all sorts of cases and they have, therefore, to spend a lot of time in preparing briefs for such cases ; they thus spend more energy than pleaders preparing for a single case.

*63 to *75. **Rao Krishna Pal Singh :** [*Withdrawn.*]

*76 to *79. **Rai Sahib Lala Anand Sarup (absent) :** [*Postponed at the request of Government.*]

ABOLITION OF CERTAIN FARMS.

*80. **Rai Sahib Lala Anand Sarup (absent) :** Is it a fact that the Retrenchment Committee appointed by the Council in July has recommended the abolition of certain farms ? If so, which of the farms are intended to be abolished by the Government ?

The Hon'ble the Minister for Education : (a) Yes.

(b) Government have decided to close down the following farms :—

- (i) Potato Farm, Farrukhabad.
- (ii) Experimental Farm, Cawnpore.
- (iii) Experimental Farm, Aligarh.
- (iv) Seed and Demonstration Plot, Jachonda, Muttra.

COMPLETION OF THE ROAD FROM ROORKEE TO HARDWAR.

*81. **Rai Sahib Lala Anand Sarup (absent) :** With reference to the answer to my unstarred question No. 14 of February 11, 1931, will the Government be pleased to state whether the road from Roorkee to Hardwar would be completed in March 1933, as mentioned, and, if not, when is it expected to be completed.

The Hon'ble the Finance Member: In view of the present financial situation Government do not expect that the Roorkee-Hardwar road will be completed in March 1933, and they are not in a position to state definitely when the road will be completed. When the financial situation improves every endeavour will be made to complete the road as soon as possible.

***82. Rai Sahib Lala Anand Sarup (absent):** If it is not expected to be completed by March 1933, will the Government be pleased to consider the desirability of opening the canal bank road for the traffic, and if not for all, then at least for the use of the owners of private cars?

The Hon'ble the Finance Member: The canal bank road between Roorkee and Hardwar is an unmetalled road and cannot bear the strain of public traffic. Government do not, therefore, intend to throw open this road for general use. Private owners of cars can, however, obtain permits for its use in accordance with rules on the subject, a copy of which is placed on the honourable member's table.

(See Appendix B, page 93.)

MUZAFFARNAGAR TO BIJNOR ROAD.

***83. Rai Sahib Lala Anand Sarup (absent):** Will the Government be pleased to state the present condition of the *kachcha* road from Muzaffarnagar to Bijnor and whether motor cars and other conveyances can pass over it easily?

The Hon'ble the Minister for Local Self-Government: The present condition of the *kachcha* road from Muzaffarnagar to Bijnor is about normal. Motor cars and other conveyances cannot pass over it easily any more than they can over any *kachcha* road.

***84. Rai Sahib Lala Anand Sarup (absent):** Will the Government be pleased to state if this road is under the control of the Public Works department or of the district board?

The Hon'ble the Minister for Local Self-Government: The Public Works department.

***85. Rai Sahib Lala Anand Sarup (absent):** Will the Government be pleased to state the amount allotted for the annual repairs to this road and the amount actually spent on it every year?

The Hon'ble the Minister for Local Self-Government: The maintenance grants were Rs. 662 up to 1928-29, Rs. 5,000 in 1929-30 and 1930-31, and Rs. 751 during the current year. Until the present year the maintenance grants have, so far as Government are aware, been spent in full.

***86. Rai Sahib Lala Anand Sarup (absent):** Are Government aware that this road has not been repaired this year? If so, why?

The Hon'ble the Minister for Local Self-Government: Yes. Owing to the financial stringency.

UNSTARRED QUESTIONS.

PRIMARY SCHOOL AT NAGLA PAL, MAINPURI.

1. Chaudhri Dhirya Singh: Is it a fact that there is a primary school at Nagla Pal, tahsil Mainpuri, and is it also a fact that the

number of pupils who attended the primary classes of the school was not even ten in the years 1928-29 and 1929-30?

Mr. V. N. Mehta : Yes.

2. **Chaudhri Dhira Singh :** Is it a fact that in the years 1928-29 and 1929-30 a teacher of agriculture was attached to this school for the purpose of fertilizing *usar* land belonging to the chairman, education committee, lying in close proximity of the school?

Mr. V. N. Mehta : Inquiries are being made.

3. **Chaudhri Dhira Singh :** Is it a fact that this teacher of agriculture was maintained at the school of Nagla Pal in spite of the protest of the Education department?

Mr. V. N. Mehta : The Education department disallowed the debit of the cost of the teacher to the standard expenditure on primary education and required the amount so spent to be credited to the proper education fund.

4. **Chaudhri Dhira Singh :** Is it a fact that the produce of this *usar* land went to the owner of the land?

Mr. V. N. Mehta : Inquiries are being made.

CHAIRMAN, EDUCATION COMMITTEE, MAINPURI.

5. **Chaudhri Dhira Singh :** Is it a fact that the chairman of the education committee, Mainpuri, was a candidate for election to the Legislative Council from Mainpuri non-Muhammadian constituency?

Mr. V. N. Mehta : Yes.

6. **Chaudhri Dhira Singh :** Is it a fact that a very large number of teachers of the vernacular schools of Mainpuri district engaged themselves in securing votes for the said chairman? What steps, if any, do the Government propose to take to prevent a breach of such rules in future?

Mr. V. N. Mehta : Some district board teachers are reported to have done so. The orders of Government on the subject are contained in G. O. no. 918/IX-348, dated November 5, 1926, copy laid on the honourable member's table. Government do not propose to take further action.

(See Appendix C, page 96.)

7. **Chaudhri Dhira Singh :** Is it a fact that this action of the vernacular teachers in canvassing votes for the chairman was brought to the notice of the Inspector of Schools, Agra division, and the Director of Public Instruction, United Provinces?

Mr. V. N. Mehta : Yes.

8. **Chaudhri Dhira Singh :** (a) Is it a fact that the said chairman since April 1931 did not call any meeting of the education committee up till September 1931? Was the attention of the Commissioner, Agra division, drawn to this fact?

(b) Did he inquire from the chairman, district board, as to the reasons why no meeting of the education committee was being held? What reasons, if any, were given for not calling a meeting continuously for four months?

Mr. V. N. Mehta : (a) Yes. Yes.

(b) Yes. Want of sufficient work.

9. **Chaudhri Dhiry Singh**: Is it a fact that some members of the education committee, Mainpuri, sent a registered requisition to its chairman for convening a meeting with a view to pass a vote of no-confidence in him? If so, did the chairman convene any meeting for the purpose? If not, why?

Mr. V. N. Mehta: Yes. The chairman convened a meeting on September 13, 1931. Does not arise.

10. **Chaudhri Dhiry Singh**: Will the Government be pleased to state the procedure to be adopted by members of the education committee, when a number of requisitions for convening a meeting of the committee are not heeded to by the chairman, and ultimately no dates for a meeting are fixed?

Mr. V. N. Mehta: The members may report to the District Magistrate if the provisions of section 60(2) of the District Boards Act, 1922, read with section 63A, 1) are not complied with.

11. **Chaudhri Dhiry Singh**: Is it a fact that Mr. Kharagjit Misra, the chairman of the education committee, Mainpuri, is a member nominated by Government?

Mr. V. N. Mehta: Yes, in the last board.

RESIDENCE OF CHRISTIANS IN THE MAINPURI DISTRICT.

12. **Chaudhri Dhiry Singh**: Is it a fact that large number of Christians, both Indians and Europeans, are residing in the Mainpuri district?

Mr. J. M. Clay: 3,919 out of a total population of 749,633.

13. **Chaudhri Dhiry Singh**: Is it a fact that a number of these Christians are highly educated and keenly interested in the development of rural education and health?

Mr. J. M. Clay: As far as the Government are aware, this is true only of the staff of three schools managed by an American Mission.

NOMINATIONS TO LOCAL BODIES.

14. **Mr. Perma**: Will the Hon'ble the Minister for Local Self-Government be pleased to state how many nominations from depressed classes were made in municipal boards and district boards at the last elections, how many were nominated to the municipal board and district board at the last elections and how many Muhammadans, Christians and depressed classes were nominated for each district?

16. Will the Hon'ble the Minister please state how many members of depressed classes, how many Christians and how many Muhammadans were nominated to the district board and municipal board of each district in the current year?

Mr. P. Mason: One representative of the depressed classes has been nominated to each of 45 district and 25 municipal boards, two of these, a Lohar and a Mukeri, are Muslims, both of whom were sitting members and renominated.

MESSRS. JAITLEY AND COMPANY.

16. **Khan Bahadur Maulvi Muhammad Obaid-ur-Rahman Khan**: (a) Will the Government be pleased to state whether Messrs. Jaitley and Company pay instalments due from them regularly to the Government?

(b) If the reply to the above be in the negative, what action do Government propose to take against them?

The Hon'ble the Finance Member: (a) No.

(b) The legal agreement between the company and the Government provides for the action to be taken to recover arrears of payment due from the company.

17 to 24. **Rao Narsingh Rao:** [*Withdrawn.*]

CENSUS OPERATIONS, 1931.

25. **Rai Rajeshwari Prasad:** Is it a fact that at the last census operations slips of papers of three different colours were used for writing out names of persons of different castes—Hindus, Muhammadans and others respectively?

Mr. J. M. Clay: Yes, except that the colours varied according to religion, not caste.

26. **Rai Rajeshwari Prasad:** Are Government aware that under the census rules only the slips of each colour had to be counted in order to ascertain the number of persons of each group?

Mr. J. M. Clay: Yes.

27. **Rai Rajeshwari Prasad:** Are Government aware that there is nothing in the rules to prevent a Hindu from being counted as a Muhammadan or *vice versa*, if by mistake or otherwise wrong slips are issued for writing their names?

Mr. J. M. Clay: Every precaution is taken to prevent mistakes.

28. **Rai Rajeshwari Prasad:** Is it a fact that in Basti, Gorakhpur and Azamgarh districts a large number of Hindus have been counted as Muhammadans as slips meant for Muhammadans were used for writing their names?

29. If it is a fact, will the Government be pleased to state—

(a) how many such cases have occurred,

(b) the ways in which the Government propose to deal with such cases?

30. Are there cases of Muhammadans having been counted as Hindus for the same reason in the same districts? If so, how many? How do the Government propose to deal with these?

Mr. J. M. Clay: The Government see no reason to believe that any such mistakes were committed.

31. **Rai Rajeshwari Prasad:** Will the Government be pleased to state if there are any rules for the revision of the counting and correction of such mistakes during census operations?

Mr. J. M. Clay: There is no such rule.

32. **Rai Rajeshwari Prasad:** Are Government aware that these slips are retained in the census office for one year and are still available for scrutiny?

Mr. J. M. Clay: Yes.

33. **Rai Rajeshwari Prasad:** Will the Government be pleased to consider the advisability of—

- (a) ordering a scrutiny of the census slips in the Gorakhpur, Basti and Azamgarh districts and also a correction of any mistakes that may be discovered in the census reports,
- (b) ordering a scrutiny in other districts as well,
- (c) amending the census rules so as to provide for the cases mentioned in the foregoing questions?

Mr. J. M. Clay: (a) and (b) The Government can see no justification for the expenditure of time and money which the suggestions would involve.

(c) The Government consider this unnecessary.

ANNOUNCEMENT REGARDING ASSENT OF THE GOVERNOR GENERAL TO THE UNITED PROVINCES MEDICAL (AMENDMENT) ACT IV OF 1931.

The Hon'ble the President: I have to announce that the United Provinces Medical (Amendment) Act, IV of 1931, which was passed by the United Provinces Legislative Council on December 18, 1932, received the assent of His Excellency the Governor General on February 12, 1932.

THE UNITED PROVINCES GOONDAS BILL.

The Hon'ble the President: The question is that the United Provinces Goondas Bill be taken into consideration.

The question was put and agreed to.

Mr. Brijnandan Lal: Sir, I beg to move that proviso (a) of clause 5(2) be deleted.

The Hon'ble the President: This refers to clause 5.

I have just been handed in a notice of a series of amendments in the name of Rai Bahadur Thakur Hanuman Singh. I hope the Hon'ble the Home Member has got a copy of them.

The Hon'ble the Home Member: I got it just now.

The Hon'ble the President: I got it just now too.

Well, of course, I have said that I would take amendments on the spot. They relate to clauses 2, 3, 4, 5 and 6. They seem to be important enough in my opinion.

The Hon'ble the Home Member: Sir, with due respect to all the amendments of the honourable mover I submit that it is hardly a minute since I got them here and I, therefore, with your permission, move for the consideration of the House that the consideration of this Bill be postponed for the present so that members on this side of the House may have time to consider them. In fact I have not been able even to go through them. If necessary, it may be taken up tomorrow. I, therefore, move that the consideration of the United Provinces Goondas Bill be postponed to a later date.

The Hon'ble the President: Till tomorrow?

The Hon'ble the Home Member : Yes.

The Hon'ble the President : The question is that the consideration of the Bill be put off till tomorrow.

The question was put and agreed to.

The Hon'ble the President : I think we may take it up after the Supplementary Estimates.

* **Rai Rajeshwar Bali :** Are the Supplementary Estimates going to be taken up tomorrow?

The Hon'ble the President : It is for the House. I do not know.

* **Rai Rajeshwar Bali :** If the Supplementary Estimates are taken up tomorrow, then in that case will the Hon'ble Finance Member waive the time limit for sending in of amendments?

The Hon'ble the President : I have already said that in the covering letter. I directed the office to send a covering letter along with the estimates. That must be on the honourable member's table. I have said therein that I shall take amendments on the spot tomorrow.

RESOLUTION *re* AMENDMENT OF THE COURT OF WARDS ACT.

The Hon'ble the President : There is an amendment in the name of Raja Jagannath Bakhsh Singh. It was received rather late. Is there any objection of its being moved. (After a pause). There is no objection, let the honourable member proceed.

Raja Jagannath Bakhsh Singh : I beg to move the following amendment to the resolution of Chaudhri Muhammad Ali Sahib:—

For the words "on the lines recommended in the report of the McNair Committee" *substitute* the following:—

"by setting up as the Court of Wards a statutory body consisting of—

One member of the Board of Revenue as Chairman.

Two members chosen by the British Indian Association.

Two members chosen by the Agra Zamindars' Association.

Two members chosen by the Legislative Council.

Two members chosen by the Government; provided that no person except the Chairman shall be eligible for membership who does not pay land revenue amounting to Rs. 5,000'.

I may say, Sir, at the very outset that it was in March, 1925, that I moved a resolution requesting this House to support the appointment of a committee in order to examine the Court of Wards Act and suggest amendments. That resolution was accepted by the Government and a committee was subsequently appointed. The committee sat at Naini Tal in the month of June in the same year and instead of asking them to make a new draft they were told that this question had from time to time been brought before the Government and that there was already a draft ready to amend the Court of Wards Act. Therefore instead of going into the details of drafting a new Bill the committee considered it proper to take up that draft and revise it considering the requirements that were not included in the draft and including them. With this view that committee revised

[Raja Jagannath Bakhsh Singh.]

the draft and reported to the Government the amendments that they thought proper in the said Act. That report of the Court of Wards Act Amendment Committee was published in the Gazette, dated May 1, 1926. I have just stated that I was the person who moved the resolution to amend the Court of Wards Act and this committee was appointed on that resolution. I therefore owe an explanation to this House for moving this amendment now. The reasons for my moving this amendment are that in the first place I myself and, as far as I know, other members who sat on that committee had not in view the changes in the constitution of this country and of this province that are pending at the present time. I should therefore think that it is very important that before final action is taken on the report of the McNair Committee, we should get a little time to consider that report which is now about seven years old in view of the changes that are soon going to take place in this country. The honourable members will see that if this amendment which I am moving at the present time is accepted by the House, the board that I suggest will have the power to go into the Court of Wards Act once more and consider it very carefully in order to see what further changes they require in the Act in view of the present circumstances and also in view of the fact that the report of the McNair Committee is about seven years old. Very likely it would be found necessary to make some more alterations in the report. This is one thing which will happen if my amendment is accepted.

In the second place if this amendment is accepted by the House, administrative powers will be given to the board as suggested by this amendment. It cannot be denied that the present local and central advisory committees are not sufficient for the purpose and for this I may quote the opinion expressed by the committee in their report in Chapter II. The committee say.—“The non-official members of the committee felt very strongly that the constitution of the board of course needed to be democratised in accordance with the spirit of the time and were therefore of opinion that the officer in charge of the court of wards should be given a committee or board to help him in arriving at decisions on all vital questions.” They considered that the central advisory committee constituted as at present, was not sufficient for the purpose. Therefore, Sir, if action is taken by the Government as suggested in my amendment, the new board that will be constituted thereafter will have the powers not only to suggest amendments in the present Act, but will also possess responsibilities for the administration of the court of wards for which there is a strong demand amongst the people concerned. I have further to point out to this House that in this amendment I am making a considerable reduction in the representation of the landholders from what it exists in the report itself. The honourable members would know that the committee recommended a board of 17 members, 6 from the British Indian Association of Oudh, 6 from the Agra Landholders' Association of Allahabad, 2 from the Legislative Council, two nominated by Government and 1 the Chairman of the Board, that is the Member of the Board. These 17 members were recommended to form the board of the court of wards by the McNair Committee. In place of this board of 17 members in my amend-

ment I am recommending only 9. That is a considerable change which I must explain to the House. I am doing so for two reasons. In the first place, I understand, that if I make this reduction in the board, it will be acceptable to the parties concerned. In the second place I say that I am only recommending a temporary arrangement. I do not say that this board of 9 persons shall be the final board and that no further amendment will be required in the court of wards Act for a very long time to come and that it will be this board which should carry on the court of wards administration for a very long time before the Act is modified.

My submission is that because just as I have stated further changes in view of constitutional changes and other circumstances are necessary to be considered, therefore at the present time it may be possible to carry on the work with a board of nine persons instead of seventeen. But I must make it clear to the House that it is not in the least my intention to reduce the representation of the land-holders from what I then suggested. I think the number of 16 members, six each as I have stated, from the two zamindari associations and five others is the minimum required for a board of that nature, and I do think that later on when the board recommends changes in the Court of Wards Act it will stand upon this recommendation of the McNair Committee in addition to other recommendations as well. There is one more point on which I would like to go into a little detail. It is the Rs. 5,000 revenue limit which I have suggested in this amendment. It is evident that this committee or board as it may be called, is to particularly safeguard the interests of the land-holders. The Court of Wards are the Trustees of the estates that are in their charge. It is their primary duty to safeguard the rights and interests of the estates and for the matter of that of the land-holders. I therefore wish that the members who may be appointed or elected on this board should be land-holders. Naturally this is my wish and I think it will be the wish of the other members also. Now this Rs. 5,000 revenue limit is a sort of condition to attain this object. After it has been accepted for the electorate of the Council of State it can be said that this limit is a sort of assurance that there will be zamindars on that body in the true sense of the word. It is with this object that I am recommending a limit in the revenue of those persons who may be appointed or elected on this committee. I hope it will be acceptable to this House. With these words I commend my amendment for the acceptance of the House.

Khan Bahadur Maulvi Fasih-ud-din : Sir, with your permission and the permission of this House I would like to move that the proviso in this amendment be deleted, and I will speak on this subject after my amendment has been allowed to be moved. *L*

The Hon'ble the President : The honourable member can move the amendment.

Khan Bahadur Maulvi Fasih-ud-din : I move that the proviso in this amendment be deleted. Sir, I congratulate the leader of the Independent Party on his most excellent amendment which is based on the idea that the McNair Committee's report has become too old for adoption at this stage after a lapse of seven years; but when we come to this proviso I think that every man who has to guard the interests of the zamindars in

[Khan Bahadur Maulvi Fasih-ud-din.]

general, both big and small, will have to join issue with him in this particular respect. Instead of saying provided that "zamindars paying land revenue of Rs. 5,000 or over" if he had said "provided that zamindars may be possessed of brains" I would certainly have congratulated him on this proviso. It is the ability, the knowledge of the subject and the capacity to work on a committee of this kind that is needed and not the amount of pounds, shillings and pence which a man has got in his pocket. Of course it was all right for the aristocratic member of an aristocratic party to put down that limit, but there is a large number of zamindars whose interests have to be guarded against, and they do not find any place in the dictionary of aristocratic member of the aristocratic party. I think that the precedent that he has put forward is a very bad precedent and it should be put down with a very strong hand.

The honourable mover of the amendment spoke of the Council of State and the qualification required for membership of the Council of State. But he forgets that he is moving this amendment not inside the Council of State but inside an Assembly which represents the poorest tax-payer and which is essentially democratic in its nature. For that reason I think he ought to agree to the deletion of this proviso.

Rai Bahadur Kunwar Surendra Pratap Sahi: I do not know whether it would be regular or irregular; but my intention was to move another amendment to the amendment of Raja Jagannath Bakhsh Singh. I do not wish to move for the deletion of the proviso.

The Hon'ble the President: Is the honourable member talking of the present or of the past? If the intention of the honourable member is to move it he may do so; but if his intention *was*, that is another matter.

Rai Bahadur Kunwar Surendra Pratap Sahi: It is my intention, Sir.

The Hon'ble the President: All right; the honourable member may move it.

Rai Bahadur Kunwar Surendra Pratap Sahi: I wanted that this proviso should apply only to the two members chosen by Government and not to all members. The mover of the amendment, Raja Jagannath Bakhsh Singh, has cleared up the position by saying that if there are two zamindar members representing the British Indian Association and two zamindar members representing the Agra Zamindars' Association, that makes four, and if the Government nominates two non-zamindars and the Legislative Council elects two non-zamindars also, the position will then be that four zamindars will be pitted against four non-zamindars.

The position will then be that generally the President will have to decide the matter by his casting vote, so in order to save the position of the zamindars I would suggest for the acceptance of the House that this proviso should apply only to the two members chosen by Government. Sir, as a matter of fact the Court of Wards does not represent only zamindars and taluqdars. It has also got in its charge thousands and lakhs of tenants; so naturally there must be some representatives of the tenants and non-zamindars also on this board which is going to be a properly constituted board. Then again as far as

zamindars and taluqdars are concerned I think 90 per cent. of the zamindars of the Agra province pay a revenue of less than Rs. 5,000 while only 10 per cent. of the zamindars of Agra pay over Rs. 5,000.

Khan Bahadur Maulvi Fasih-ud-din : Only 5 per cent.

Rai Bahadur Kunwar Surendra Pratap Sahi : Yes 5 per cent.

There are taluqdars in Oudh also, I think about 15 per cent. only, who pay a land revenue of over Rs. 5,000 and there are about 75 or rather 85 per cent. who pay a land revenue of less than Rs. 5,000. So to put a proviso like this would mean that this board would be an absolutely hopeless one. It will not be representative of the taluqdars' interests, nor will it be representative of the zamindars' interests and for that reason I propose that this proviso, if it is going to be there at all, should only apply to the two members chosen by Government.

The Hon'ble the President : The honourable member has moved no amendment.

Rai Bahadur Kunwar Surendra Pratap Sahi : Sir, I move that the proviso should apply to two members chosen by Government so that it will read as follows :—

“that the two members chosen by Government shall be eligible for membership only if they pay Rs. 5,000 land revenue.”

The Hon'ble the President : Will it not suit the honourable member if it be read like this :—

“two members chosen by Government out of zamindars paying a revenue of not less than Rs. 5,000 ...”

Rai Bahadur Kunwar Surendra Pratap Sahi : I agree to that. I think the wording may be changed as suggested by you.

Shaikh Muhammad Habibullah : Sir, I saw for the first time this morning the amendment of Raja Jagannath Bakhsh Singh and I read the original resolution. I was really at a loss to find why the original resolution was being modified by means of this amendment. The Raja Sahib has however explained his position and he has brought out a point of principle and that point is that he wants to replace the present court of wards by a statutory body. In that principle I quite agree with him. But I think at this stage I am not prepared to commit myself to the statement that the statutory body should consist of members in the proportion in which Raja Sahib has suggested in his proposal that is one member of the Board of Revenue and so on. This matter must be left open. It may be a body of nine, it may be a body of eleven or it may even be a smaller or larger body. I am prepared and I think the rest of the House will be prepared to support the Raja Sahib's proposal in principle that we should replace the present court of wards by a statutory body. Something has been said about the limit of revenue for the zamindars who may be taken on this statutory body. Well, I think I would be considered too selfish if I stand for Rs. 5,000 as that will be a handicap because there are not many people in the province of Agra who pay that amount. But this is a matter of detail.

At the present moment we are concerned merely with the principle and we should not fix any limit in revenue which may mean a hardship.

later on to the zamindars of the Agra province. As to what that limit should be may well be left for consideration when the amending Act comes up for discussion in the Council. For the present I would substitute for the words "on the lines recommended in the report of the McNair Committee" the words "by setting up for the Court of Wards a statutory body as may be laid down in the Act".

The Hon'ble the President: I take it that no formal amendment is being moved.

Shaikh Muhammad Habibullah: Sir, I do not think that it is necessary to do so. If we support the amendment it is on the clear understanding that we do not commit ourselves to the details of constitution of the statutory body. We reserve to ourselves the consideration of this question when the amending Act comes up for discussion.

The Hon'ble the Finance Member: Is it not my turn now to speak?

The Hon'ble the President: I am afraid the Hon'ble the Finance Member's will be the last word on the subject, because he has already taken part once in this debate in July last. If, however, the Hon'ble Finance Member wishes to explain something in particular, I have no objection to his doing so now.

The Hon'ble the Finance Member: I merely wished to state that the Government is going to accept the amendment or the resolution as amended, but I shall wait to say more till the honourable mover has replied.

Mr. Brijnandan Lal: I am afraid the amendment is not happily worded. Is it the intention of the honourable mover that the member of the Board of Revenue should also be a member, or he would merely be a Chairman? If the intention is that the member of the Board of Revenue should be a member and Chairman, it would be much better if he said "One member of the Board of Revenue who will also be the Chairman." As it is, the meaning is vague.

The Hon'ble the President: The honourable member need not go into details at the present time as we are not engaged in a piece of legislation. The matter will come up again before the House, if at all, in the form of a bill.

Mr. Brijnandan Lal: As regards the question about the deletion of the proviso, I agree with Khan Bahadur Maulvi Fasih-ud-din that it should not be allowed to remain, because the more money a man has, the less brains he possesses.

The Hon'ble the Home Member: Not always.

Mr. Brijnandan Lal: Yes, that is invariably the case.

***Rai Rajeshwar Bali:** I wish to remind the House that when the debate on this resolution took place on July 24, it terminated somewhat abruptly. After two or three speeches had been delivered, the then Finance Member intervened and stated that as the question was going to be discussed in the Court of Wards Advisory Committee, it would be much better if the debate on the subject were postponed to a later date. This was the reason why many of us could not take part in the debate that day.

* Speech not revised by the Honourable Member.

Sir, I admit that the scheme as given in the report of the McNair Committee is undoubtedly a great improvement on the present state of things, and it was precisely for this reason that my friend on the left and the leader of my party, Mr. Chintamani, supported the resolution. But I wish to point out that there is a section of the zamindars which holds the view that even the McNair Committee scheme does not go as far as they would like it to go.

That section would like to have a scheme like that casually referred to in the speech of the then Finance Member; namely, that it should be something like a board of trustees. I need not say that many of us feel that we should look ahead. We feel that when provincial autonomy comes, we do not know what will be the constitution of the Government and we do not wish that our Court of Wards should be made a play thing of the contesting political party. It was for this reason that many of us would have liked to have real self-Government so far as the administration of Court of Wards is concerned. But, Sir, I do not wish to oppose either the resolution or the amendment beyond suggesting this point. I wish to make it quite clear that in accepting this amendment, we do not accept anything more than this that a statutory body for the Court of Wards be created. As has been just pointed out by my friend Shaikh Habibullah Sahib, we reserve to ourselves the right to suggest, when the Bill comes up before the House, as to how that statutory body is to be constituted, what is going to be its constitution and what qualifications for the members are to be provided.

Another point, to which I might draw the attention of the House, is that by accepting the amendment, we are really throwing out all the other suggestions for revising the Act which were made by the McNair Committee. The constitution of a statutory body is only one of the many recommendations made by that committee, and when we say that for the words "legislation to amend the the Court of Wards Act on the lines recommended in the report of the McNair Committee" the following be substituted, namely "a Court of Wards statutory board be constituted," we are really ignoring all the other amendments which were suggested by the McNair Committee. I think it is essential that not only a statutory body be created, but also that the Court of Wards Act be revised considerably. By accepting the amendment the Government will not be entitled if it strictly follows the recommendation, to amend the Act in any respect, except the selection of this statutory body. However, I learn that when that statutory body is created, the Government would allow that statutory body to suggest further modifications in the Act. Perhaps those amendments are a little out of date. That committee sat as long as six or seven years ago. Therefore I would have no objection if the Government make it clear that they would allow this committee, after it has been statutorily set up, to look into the Act and suggest such modifications as it may consider necessary. As soon as those suggestions have been made by that Committee, the Government will bring another bill to amend the Court of Wards Act. If the Government give us that assurance and also on the condition which I have just stated, viz., that we reserve our right of making amendments as regards the constitution of this Committee, I have no objection in supporting the motion, as amended by my honourable friend Raja Jagannath Bakhsh Singh.

[Rai Bahadur Babu Jagadeva Roy.]

Rai Bahadur Babu Jagadeva Roy : Sir, reading the original resolution of Chaudhri Muhammad Ali Sahib along with the amendment proposed by Raja Jagannath Baksh Singh Sahib it appears to me that the speeches which have been made hitherto go to show that there is no objection to the amendment being carried out except in respect of the condition which has been put down towards the end of the proposed amendment, i.e., that no person except the Chairman shall be eligible for membership who does not pay land revenue amounting to Rs. 5,000. But, Sir, there is one consideration which I have to put forward before this House. The aim of the original resolution was to amend the Court of Wards Act, and now the speeches which have been made go to show that there should be two stages—(i) that the Government should introduce an amendment of the Court of Wards Act in such a way as to deal with the functions of the proposed statutory body and (ii) that the Government should then come up again in the light of that amendment with a further amendment in the Court of Wards Act. But, Sir, I consider that really all that is required is to request the Government to propose an amendment in the existing Court of Wards Act in such a way as to improve all the other required conditions having regard to the fact that those improvements will have to be worked under the guidance of a statutory body. So the amendment should be proposed with this object, and if this is done I think the whole thing will be finished once for all and there will be no necessity of coming to this House a second time with any additional amendments.

Now the point that is really required to be determined by this House at the present moment consists of a few necessary ingredients. The first one is that the whole House seems to be at one that the present Court of Wards Act needs necessary amendments. What should be those necessary amendments we are not in a position to say, because the whole thing has been left to the Government to show by way of amendment. The second necessary ingredient is that amendment must have such a provision as to show the necessity of a statutory body therein. And then the third ingredient will be what will be the functions of that statutory body with respect to the management of the Court of Wards estate. Then the fourth thing will be whether the provisions of the Court of Wards Act will have to be dealt with or carried out by the statutory body alone or by the court of law. My submission, therefore, is that in view of the amendment as well as in view of the resolution the Government should be requested to put the amendments in such a way as to improve and cover both the points under consideration.

Chaudhri Muhammad Ali :

جناب والا —

راجہ جگناتھ بخش سنگھ صاحب کے amendment کے بارے میں مجھے معلوم ہو گیا تھا کہ زمیندار میموران کی رائے میرے رزلویشن کے معاملہ میں منجھ سے بھی زیادہ سخت ہے۔ میں یہ سمجھا ہوا تھا کہ McNair کمپنی کے recommendations اتنے کم اتنے بے بضاعت ہیں کہ اس ہاؤس کو اس کے

منظور کرنے یا نہ منظور کرنے کی کوئی پرواہ نہ ہوگی - لیکن یہ بات غلط ثابت ہوئی اور زمیندار میمبران کو اس رزلوشن سے اچھی خاصی دلچسپی ہی - میرا اصل منشا جو اس رزلوشن کو آپ حضرات کے سامنے پیش کرنے کا تھا - وہ صرف یہ تھا کہ نئے ریفارمس آنے کے پہلے کورٹ آف وارڈس کا معاملہ مضبوط ہو جائے اور آئندہ چل کر یہ صیغہ مختلف پولیٹیکل پارٹیوں کا گل بازی نہ ہو جائے - جس وقت یہ امینڈمنٹ move کیا گیا میں قرا کہ کہیں میرے تمام کوششوں کا یہ نتیجہ نہ نکلے کہ پورا رزلوشن فیمل ہو کر صرف امینڈمنٹ ہی باقی رہ جائے لیکن راجہ صاحب رهنواں نے مجھ کو سمجھا دیا کہ ان کا یہ مقصد ہو کر نہیں ہی بلکہ میرے رزلوشن کی فی الحال یہ صورت ہو جائیگی -

That this Council recommends to the Governor in Council to introduce early legislation to amend the Court of Wards Act by setting up as the Court of Wards' a statutory body consisting of—

One member of the Board of Revenue as Chairman ;

Two members chosen by the British Indian Association ;

Two members chosen by the Agra Zamindars' Association ;

Two members chosen by the Legislative Council ;

Two members chosen by Government; provided that no person except the Chairman shall be eligible for membership who does not pay land revenue amounting to less than Rs. 5,000.

مجھے کو اس امینڈمنٹ کے منظور کرنے میں کوئی عذر نہیں کیونکہ یہ مجھے تو معلوم ہی کہ یہ صرف اسی قدر ہی - اصلی principle جو accept کیا جاتا ہی وہ حسب ذیل ہی -

early legislation to amend the Court of Wards Act

لہذا میں بہت خوشی سے اس امینڈمنٹ کو منظور کرتا ہوں اس وجہ سے نہیں کہ مجھے کو بے انتہا پسند ہی بلکہ اس وجہ سے کہ بہتر صورت سہولیت سے کام ختم کر دینے کی یہ ہی *

The Hon'ble the Finance Member: I have been put in rather a hole by the fact that my predecessor had already spoken on this motion. He took a rather strong line and I am going to take an equally strong line. The way in which we look on this question now is this. It is quite obvious that the landlords want a statutory body. It is equally obvious that in the times that are coming they will be able to get it. What right have we,—by we I mean the Government as at present constituted,—what right have we to stand in their way? I say none. If they want this body then they ought to have it, and Government is prepared to do what is necessary to produce that body. There has been a good deal of talk about the details of this amendment. I do not know if the honourable member himself attaches very great importance to the details, but certainly Government does not. The whole point is the principle, that the Court of Wards shall be ruled by a statutory body consisting almost entirely of non-officials, and amongst non-officials of those people who are mainly interested in its operations. Mr. Sahi with his usual clear sight suggested that

[The Hon'ble the Finance Member.]

Government would, maliciously I suppose, generally select two members who are not landlords. I gather he also thought the Legislative Council might do the same. Well, I can only remind him, as I did on a former occasion, that neither the Council nor Government should be regarded as mad until madness is proved. The idea that any sane Government or any sane Council could possibly put on a body of this kind anybody but landlords strikes me as grotesque.

As regards the numbers, well, Government does not tie itself to this number or that. It will consider the question fully. It will put some number in the bill, and when the bill is presented, of course, every body can fight about the number as much as they please.

Then there is also the question of this proviso. Well, unless I am much mistaken, the reason why the honourable mover of the amendment put in that proviso, and put the figure, high, was to defeat that political *dillagi basti* that the honourable mover of the resolution mentioned. Any way, it would have been quite a good way of doing it.

Mr. Roy has told us every thing that should be in the bill and how we should work it. The only impression which I gathered from his speech was that it would take years before the bill was ready if we followed his advice.

The only other point to which I need refer concerns the rest of the recommendations of the McNair Committee. Well, our view on that is quite plain. There are a tremendous number of recommendations. There are about nearly 70 sections in the draft bill. They are antiquated now. It does not necessarily follow that what the McNair Committee thought this new statutory body will think. Our idea is this, that having made the statutory body, let them get to work and amend the Act. After all, it is they who will have to administer it, and there is no point in Government setting to work to amend the Act for one statutory body, when that body will probably want to amend it again later. Our intentions are very simple. We wish to introduce early legislation to amend the Court of Wards Act in such a way as to produce a statutory body on these lines, though not necessarily with this number, nor with this proviso. We shall put in a bill as soon as we can, and then the Council can fight out the details. As to the rest, the statutory body can arrange that for itself.

The Hon'ble the President: The resolution moved was "that this Council recommends to the Governor in Council to introduce early legislation to amend the Court of Wards Act on the lines recommended in the report of the McNair Committee." Since when, an amendment has been moved that for the words "on the lines recommended in the report of the McNair Committee" the following be substituted "by setting up as the Court of Wards a statutory body consisting of—

One member of the Board of Revenue as Chairman;

Two members chosen by the British Indian Association;

Two members chosen by the Agra Zamindars' Association;

Two members chosen by the Legislative Council;

Two members chosen by Government; provided that no person except the Chairman shall be eligible for membership who does not pay land revenue amounting to Rs. 5,000."

Since when another amendment has been moved that after the words "chosen by Government" the words "out of zamindars paying land revenue of not less than Rs. 5,000" be inserted. This is the amendment moved by Rai Bahadur Kunwar Surendra Pratap Sahi. I shall now put forward this amendment. The question is that after the words "chosen by Government" the words "out of zamindars paying land revenue of not less than Rs. 5,000" be inserted.

The question was put and negatived.

The Hon'ble the President : Another amendment moved is that the words "provided that no person except the Chairman shall be eligible for membership who does not pay land revenue amounting to Rs. 5,000" be deleted.

The question was put and negatived.

The Hon'ble the President : The question is that the amendment as moved by Raja Jagannath Baksh Singh be accepted.

The question was put and agreed to.

The Hon'ble the President : The question is that the resolution as amended be adopted.

The question was put and agreed to.

The Council was then adjourned at 11.40 a.m. till the following day.

APPENDIX A.

See page 63, *supra*.

Statement referred to in the answer to starred question no. 12 for February 22, 1932 asked by THAKUR MUNESHWAR BAKHSH SINGH.

Name of the district.	Year or years of the enforcement of the new land revenue.	Total amount of rents at the time of new settlement.	Total amount of rents at present.	Remission of rent in 1339 Fasli.		Land revenue before the new settlement.	Present land revenue.	Remission of revenue in 1339 Fasli.	
				Amount of remission.	Percentage of remission.			Amount of remissions.	Percentage of remissions.
		Rs.	Rs.	Rs.		Rs.	Rs.	Rs.	
Hardoi ..	1338 Fasli and 1339 Fasli.	53,12,697	51,91,274	15,47,760	29·8	16,27,100	18,17,532	2,72,638	15
Rae Bareilly ..	1337 Fasli ..	41,87,829	44,64,245	10,53,523	23·7	15,63,848	17,80,267	4,45,918	25·04
Bara Banki ..	1337 Fasli and 1338 Fasli.	62,16,474	68,85,216	17,23,970	25·1	20,18,788	22,85,317	5,71,840	25·02
Unao ..	1335 Fasli and 1337 Fasli.	40,27,522	42,53,005	12,80,061	30	15,79,147	17,73,957	4,43,340	25

APPENDIX B.

(See page 76, supra.)

Copy of rules referred to in answer to starred question no. 82 for February 22, 1932, asked by RAI SAHIB LALA ANAND SARUP.

PUBLIC WORKS DEPARTMENT.

IRRIGATION BRANCH.

UNITED PROVINCES.

**Rules for the use of canal roadway, Public Works department,
Irrigation branch.**

1.—The following classes of officers on duty are exempted from the formality of applying for passes and will be allowed the same privileges for themselves and their vehicles as canal officers, i.e., they can use the left bank canal roadways for light spring-wheel traffic, and the right bank canal roadways for heavy traffic, e.g., charabancs, motor, lorries, bullock carts and laden *ekkas*, if no other route is available:—

- (1) Hon'ble Ministers and members of the Executive Council.
- (2) Members of the Board of Revenue.
- (3) Commissioners.
- (4) Collectors and Settlement Officers.
- (5) Deputy Inspectors-General and Superintendents of Police.
- (6) Civil Surgeons.
- (7) All heads of departments; including Conservators of Forests.
- (8) Current non-official members of the Irrigation Board.
- (9) Inspectors and Inspectresses of Schools.
- (10) Deputy Directors of Agriculture.
- (11) Assistant Directors of Public Health.
- (12) Deputy Registrar of Co-operative Societies.
- (13) Divisional Forest Officers.

II.—Other officers on duty will be allowed to use the roadways for wheeled traffic as specified in rule 1 below only under a system of permits to be issued by the canal Executive Engineer, at his discretion, subject to the rules appended hereto governing their issue.

III.—Civil Deputy Collectors and Sub-divisional Officers, Tahsildars, Deputy Superintendents of Police, Police subordinates, and Medical Officers may, in cases of emergency when compelled by urgent duty, use without permits the left bank canal roadways for light-spring wheeled traffic and the right bank canal roadways for heavy traffic, but they must on each occasion inform the canal Executive Engineer or Sub-divisional Officer, in writing, at once.

To prevent the continual use of canal roadways unnecessarily, Executive Engineers should report cases of officials using canal roadways without permit or notice to their superior officers, and enquire if the work was urgent and if it could not have been done on horseback.

IV.—A limited number of permits will be issued to the general public, but only where other means of communication are not available. Such permits will only be granted for light motor car on the left bank.

Rules governing the issue of permits.

1. All applications for the issue of new passes or renewal for the next year should be addressed to the canal Executive Engineer concerned.

Applications from the officers mentioned in clause II above should be submitted through the heads of their offices.

2. The Executive Engineer will issue passes for a period not exceeding one year ending June 15, and in doing so he will use his discretion with proper consideration and tact.

3. Passes must ordinarily be given only to those who reside within the divisional boundaries and really require the use of the canal roads for wheeled traffic. They may be extended for the use on roadways in an adjoining division with the sanction of the Superintending Engineer.

4. Passes to the public will ordinarily be limited to the nearest *pucca* road from the applicant's place of residence. In special cases a departure from this rule is permissible.

5. All passes will be personal and non-transferable.

6. All persons using the canal roadways, whether with or without passes, will do so at their own risk.

7. All canal roadways will be closed to traffic during the rainy season from June 15 to October 15, and no pass will cover this period. The Executive Engineer is authorized to close the roadways to all traffic at any other period of the year and for such time as he considers necessary when in his opinion sufficient rain has fallen to render the roadways unfit for wheeled traffic.

8. No pass will authorize the use of canal roadways at night from two hours after sunset to one hour before sunrise. Medical practitioners holding permits and officers on duty are exempted from this rule.

9. Occasional passes for specified journeys may be issued in special cases not governed by the above rules.

10. Special and doubtful cases outside the scope of these rules, and objections against the orders of the Executive Engineer on their applications, may be referred to the Superintending Engineer for decision.

B. D'O. DARLEY,

*Chief Engineer, Public Works department,
Irrigation branch.*

Dated October 15, 1930.

PUBLIC WORKS DEPARTMENT.

IRRIGATION BRANCH.

UNITED PROVINCES.

 _____ Division, _____ Canal.

 Pass for the year 19 ____

In favour of _____

For the use of canal roadway along—

_____, _____ bank, from mile _____ to mile _____
 _____, _____ bank, from mile _____ to mile _____
 _____, _____ bank, from mile _____ to mile _____
 _____, _____ bank, from mile _____ to mile _____

subject to conditions given below.

Divisional Canal Officer.

Date _____ 19 ____

CONDITIONS.

1. This pass is personal and non-transferable.
2. It must be carried when travelling on canal roadways and be produced for inspection when required by any canal official on duty.
3. Its holder will use the canal roadways at his own risk.
4. It does not cover the period from June 15 to October 15 or immediately after rain when the roadway might be cut up by wheeled traffic.
5. It does not authorize the use of canal roadways at night from two hours after sunset to one hour before sunrise. Medical practitioners and officers on duty are exempted from this condition.
6. The canal roadway on the left bank is intended for motor car traffic only, but Government officials on duty may use light spring-wheeled vehicles. Charabancs, motor lorries, laden *ekkas*, heavy spring-wheeled traffic and bullock carts are prohibited on this bank.
7. Where this pass covers the right bank, heavy spring-wheeled traffic and bullock carts must be restricted to the canal roadway on that bank.

APPENDIX C.

(See page 77, *supra*.)

G. O. referred to in answer to unstarred question no. 6 for February 22, 1932, asked by CHAUDHRI DHRYA SINGH SAHIB.

No. 918/IX-348.

FROM

SIR IVO ELLIOTT, BART., I.O.S., M.L.C.,
SECRETARY TO GOVERNMENT,
UNITED PROVINCES,

To

ALL COMMISSIONERS OF DIVISIONS,
UNITED PROVINCES.

Dated Allahabad, November 5, 1926.

SIR,

Local-Self
Government
Department.

AT the time of the last general elections to the Legislative Council, reports reached the Government that local bodies in certain districts were ordering, or were using official pressure to induce, their subordinates to canvass in favour of certain candidates. In one case in which a petition was filed by the unsuccessful candidate questioning the validity of the election the Commissioners held that the employment of executive officials of municipal boards for canvassing amounted to undue influence, and expressed the view that, as in the case of Government servants, municipal and district board officials should be prohibited from taking any part in elections to the Council, except that they should record their votes if entitled to do so.

2. It is desirable to bring to the notice of district and municipal boards that their authority under the District Boards and Municipalities Acts does not extend to ordering or in any manner compelling their servants to take any action outside the scope of their official duties. Any compulsion of district board and municipal servants to canvass in the elections would, therefore, be *ultra vires* and would in the eyes of the Government constitute a distinct abuse of the powers conferred by the District Boards and Municipalities Acts. And if after this intimation of Government's view of the legal situation, it should be established that the Chairman or member of any board had been constraining the servants of the board to canvass for the Legislative Council elections, it might become necessary for the Government to consider the exercise of the powers conferred upon them by sub-section (2) of section 31 of the District Boards Act and by sub-section (3) of section 40 of the Municipalities Act.

3. I am directed to request that the views of the Government in this matter may be communicated to the district and municipal boards of your division.

I have the honour to be,

SIR,

Your most obedient servant,

I. D. ELLIOTT,

Secretary.

LEGISLATIVE COUNCIL, UNITED PROVINCES OF AGRA AND OUDH.

Tuesday, February 23, 1932.

THE Council met at the Council House, Lucknow, at 10.30 a.m.
The Hon'ble Sir Sita Ram in the Chair.

PRESENT (91) :

The Hon'ble Mr. E. A. H. Blunt.	Kunwar Jagbhan Singh.
The Hon'ble Nawab Sir Muhammad Muzammil-ullah Khan.	Mr. Brijnandan Lal.
The Hon'ble Nawab Muhammad Yusuf.	Chaudhri Ram Adhin.
The Hon'ble Mr. J. P. Srivastava.	Mr. Bhondwa.
Mr. J. M. Clay.	Chaudhri Bharos.
Mr. H. A. Lane.	Pandit Shri Sadayatan Pande.
Mr. P. Mason.	Rai Bahadur Babu Jagadeva Roy.
Mr. V. N. Mehta.	Mr. Dahari.
Mr. C. St. L. Teyen.	Rai Bahadur Thakur Shiva Pati Singh.
Mr. F. Canning.	Thakur Giriraj Singh.
Mr. J. R. W. Bennett.	Pandit Prem Ballabh Belwal.
Mr. A. H. Mackenzie.	Thakur Jang Bahadur Singh Bisht.
Mr. J. N. L. Sathe.	Pandit Brahma Dutt <i>alias</i> Bhaiya Sahib.
Mr. R. D. W. D. Macleod.	Rai Bahadur Thakur Hanuman Singh.
Rai Bahadur Pandit Suraj Din Bajpai.	Lal Sheo Pratap Singh.
Pandit Tika Ram Misra.	Kunwar Diwakar Prakash Singh.
Mr. E. F. Oppenheim.	Thakur Muneshwar Bakhsh Singh.
Mr. K. N. Knox.	Raja Jagdambika Pratap Narayan Singh.
Mr. S. T. Hollins.	Rai Bahadur Kunwar Surendra Pratap Sahi.
Lieut.-Col. C. L. Dunn.	Rai Rajeshwar Bali.
Mrs. J. P. Srivastava.	Syed Ali Zaheer.
Khan Bahadur Maulvi Fasih-ud-din.	Khan Sahib Muhammad Maqsood Ali Khan.
Mr. H. C. Desanges.	Shah Nazar Husain.
Mr. E. Ahmad Shah.	Captain Nawab Muhammad Jamshed Ali Khan.
Rai Sahib Babu Rama Charana.	Nawabzada Muhammad Liaquat Ali Khan.
Mr. Perma.	Khan Sahib Muhammad Hadiyahar Khan.
Rai Bahadur Babu Awadh Bihari Lal.	Khan Bahadur Hafiz Hidayat Husain.
Chaudhri Ram Dayal.	Khan Bahadur Maulvi Saiyid Habib-ullah.
Chaudhri Jagarnath.	M. Nisarullah.
Chandhri Baldeva.	Khan Bahadur Saiyid Jafer Hosain.
Sahu Jwala Saran Kothiwala.	Shaikh Afzal-ud-din Hyder.
Mr. Tappu.	Khan Bahadur Maulvi Muhammad Fazlur Rahman Khan.
Pandit Moti Lal Bhargava.	Sirdar Muhammad Shakirdad Khan.
Chaudhri Ram Chandra.	Muhammad Imtiaz Ahmad.
Chaudhri Ghasita.	Shaikh Muhammad Habibullah.
Chaudhri Arjun Singh.	Raja Saiyid Ahmad Ali Khan Alvi.
Rao Bahadur Thakur Pratap Bhan Singh.	Raja Muhammad Ejaz Rasul Khan.
Rao Bahadur Thakur Bikram Singh.	Rai Sahib Lala Anand Sarup.
Pandit Joti Prasad Upadhyaya.	Chaudhri Muhammad Ali.
Chaudhri Dharya Singh.	Thakur Rampal Singh.
Rao Krishna Pal Singh.	Rai Bahadur Kunwar Bisheswar Dayal Seth.
Honorary Lieut. Raja Kali Charan Misra.	Raja Jagannath Bakhsh Singh.
Thakur Balwant Singh Gahlot.	Rai Bahadur Babu Vikramajit Singh.
Rai Bahadur Babu Brij Lal Badhwar.	Babu Gajadhar Prasad.
Rao Bahadur Kunwar Sardar Singh.	
Rai Sahib Lala Manmohan Sahai.	
Babu Ram Bahadur Saksena.	

QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

*1 to 3. **Muhammad Imtiaz Ahmad** : [*Postponed at the request of Government.*]

*4 and 5. **Chaudhri Ram Adhin** : [*Postponed at the request of Government.*]

*6. **Chaudhri Baldeva (absent)** : [*Postponed at the request of Government.*]

CONVICTION AND CLASSIFICATION OF LALA MUTSADDI LAL OF MEERUT.

*7. **Chaudhri Baldeva (absent)** : Is it a fact that Lala Mutsaddi Lal, M.A., of Meerut has been convicted and placed in "C" class? Was he placed in "A" class in the last civil disobedience movement? Do Government intend to direct the classification of Lala Mutsaddi Lal in "A" class?

The Hon'ble the Home Member (Nawab Sir Muhammad Muzamil-ullah Khan) : He has been placed in "A" class, as on the previous occasion.

*8 to 24. **Pandit Prem Ballabh Belwal** : [*Postponed at the request of Government.*]

REPRESENTATION BY MUSLIMS OF HARDWAR UNION *re* RESERVATION OF SEATS.

*25. **Khan Sahib Muhammad Maqsood Ali Khan** : (a) Is it a fact that Muslims of Hardwar Union have sent a memorial along with the copies of resolutions passed by a vast majority among them to the Government (through the District Magistrate) demanding the reservation of seats on the basis of their population?

(b) Will the Government be pleased to inform what steps have been taken to meet this demand?

The Hon'ble the Minister for Local Self-Government (Nawab Muhammad Yusuf) : (a) Yes, though it was sent direct and not through the District Magistrate.

(b) The matter has received the earnest consideration of the Government, which is still searching for a satisfactory solution of this difficult problem, though as the municipal elections are now over it is a question whether the matter cannot conveniently remain pending till the introduction of the new constitution.

SEPARATION OF JWALAPUR TOWN FROM HARDWAR UNION.

*26. **Khan Sahib Muhammad Maqsood Ali Khan** : What consideration have Government given to the second resolution passed by the Muslims of Jwalapur (Hardwar Union) on 18th November, 1931, about the separation of Jwalapur town from the said Union?

The Hon'ble the Minister for Local Self-Government : Government have been advised that the separation of Jwalapur would give rise to very grave practical difficulties which it would prefer to avoid if this be possible.

*27 and 28. **Khan Sahib Muhammad Maqsd Ali Khan:** [*Postponed at the request of Government.*]

*29. **Khan Sahib Muhammad Maqsd Ali Khan:** [*Postponed at the request of Government till March 8, 1932.*]

TRANSFER OF CATTLE-BREEDING SECTION OF AGRICULTURE
DEPARTMENT TO VETERINARY DEPARTMENT.

*30. **Khan Sahib Muhammad Maqsd Ali Khan:** (a) Do Government propose to transfer the Cattle-breeding Section of the Agriculture department to the Veterinary department?

(b) How much saving is expected in this way?

(c) Will the staff of Civil Veterinary department be increased?

*31. Has due consideration been given to the results obtained by the Agriculture department from 1921 to 1931, in comparison with Civil Veterinary department from 1910 to 1921?

*32. Have Government considered the necessity for closer co-operation of cattle-breeding development with Agricultural department in view of the recent changes in economic conditions of agriculturist?

The Hon'ble the Minister for Local Self-Government: Government have had the matter under consideration and arrived at certain provisional conclusions. There are, however, certain details still to be considered and Government would therefore prefer to give a definite answer at a later stage.

*33 to 46. **Babu Ram Bahadur Saksena:** [*Postponed at the request of Government.*]

*47. **Babu Ram Bahadur Saksena:** Is it a fact that some prominent traders of Cawnpore were arrested for observing *hartal*? If so, under what law?

The Hon'ble the Home Member: It is a fact that fifteen traders of Cawnpore were arrested for observing *hartal* in pursuance of Congress propaganda. The arrests were made under section 17 of the Criminal Law Amendment Act. All except one of these, who was fined, have been released on tendering an apology.

*48 to 51. **Babu Ram Bahadur Saksena:** [*Postponed at the request of Government.*]

SEED DÉPÔT AT AHRAURA, DISTRICT MIRZAPUR.

*52. **Pandit Shri Sadayatan Pande for Munshi Gajadhar Prasad:** Will the Government be pleased to furnish the following information:—

(a) When was the seed dépôt at Ahraura, district Mirzapur, established and on whose initiative?

(b) Is it a fact that Mr. Abdul Qayum, Deputy Director of Bundelkhand circle, ordered the transfer of the seed dépôt from Ahraura to Chunar? If so, on what grounds? Was the dépôt transferred to Chunar? If not, why?

(c) Will the Government consider the advisability of immediately transferring the seed dépôt to Chunar?

(d) What quantity of which variety of seeds have been given either on *sawai* or cash by the Ahraura seed dépôt from the year of its inception up to November 1931? Will the Government be pleased to give the information yearwise separately?

(e) Who have been in charge of the seed dépôt from the beginning up to the present time? What are their qualifications, pay and length of service in the Agriculture department?

(f) What are the monthly establishment charges of the seed dépôt in question?

The Hon'ble the Minister for Education (Mr. J. P. Srivastava):

(a) Seed distribution was started in 1927, but a regular seed store was established in 1928-29 on the recommendations of the then Deputy Director.

(b) No. The present Deputy Director contemplated starting a sub-dépôt at Chunar but staff and suitable building were not available.

(c) No, for reason given under (b) above.

(d) A statement embodying the information is laid on the table of the honourable member.

(See Appendix A, page 164.)

(e) Babu Sital Prasad, pay Rs. 40, passed two-year course diploma in Agriculture. In the department since May 4, 1927.

Babu Mir Singh, pay Rs. 40, studied up to IX. In the department from June 1, 1926 to June 30, 1931. Since removed from service.

Babu Bijai Singh, pay Rs. 30, two-year course diploma in Agriculture. In department since March 20, 1931.

(f) Monthly charges are Rs. 39 (Rs. 30 for fieldman and Rs. 9 for chaukidar).

Pandit Shri Sadayatan Pande: May I know on whose initiative the seed dépôt was started at Ahraura in 1927?

The Hon'ble the Minister for Education: I do not know.

Pandit Shri Sadayatan Pande: May I know whether the Hon'ble the Minister for Agriculture is in a position to state how the Deputy Director of Agriculture found it necessary to establish a seed store in 1928?

The Hon'ble the Minister for Education: Well, Sir, I do not know for a certainty. I would want notice of the question. But I believe that there was a demand for a seed store at Ahraura and that is why the seed store was established.

Pandit Shri Sadayatan Pande: Can the Hon'ble Minister let me know how has he come to know that there was a demand?

The Hon'ble the Minister for Education: There was a demand.

Pandit Shri Sadayatan Pande: With regard to question No. 52(b), may I know what does the Hon'ble the Minister mean by saying that

there was no staff and suitable buildings available at Chunar when it was contemplated to transfer the seed dépôt from Allahabad to that place?

The Hon'ble the Minister for Education: I do not quite follow the question.

Pandit Shri Sadayatan Pande: Will the Hon'ble the Minister look to answer to question No. 52(b)? May I know how was it concluded that there was no adequate staff and suitable buildings were not available in Chunar for the purposes of seed dépôt and for that reason the seed dépôt was not transferred from Allahabad to Chunar?

The Hon'ble the Minister for Education: It is so clear. There was no building available at all, we made enquiries; and staff we could not engage in these days of financial stringency.

Pandit Shri Sadayatan Pande: Will the Hon'ble the Minister state whether there is a suitable building at Allahabad for that purpose?

The Hon'ble the Minister for Education: I have not visited the place, so I could not say.

Pandit Shri Sadayatan Pande: Does the Hon'ble the Minister visit all such places in order to answer questions like that?

The Hon'ble the Minister for Education: In some cases it may be necessary.

Pandit Shri Sadayatan Pande: Will the Hon'ble the Minister consider the advisability of immediately transferring the seed dépôt from Ahraura to Chunar, which is a more central place and the headquarters of a tahsil?

The Hon'ble the Minister for Education: No, Sir.

Pandit Shri Sadayatan Pande: May I know what is the reason for that?

The Hon'ble the Minister for Education: We consider that Ahraura is more important than Chunar. My honourable friend hails from Ahraura.

Pandit Shri Sadayatan Pande: May I say that the Hon'ble the Minister is not right?

The Hon'ble the President: That may be reserved for discussion on the budget demand. Let us now go on.

*53. **Munshi Gajadhar Prasad:** Is it a fact that the Deputy Director, Bundelkhand circle, has applied to the Government for the acquisition of the old police outpost at Ahraura which was put to auction and fetched a bid of Rs. 1,225 for it, by book transfer for purposes of a seed dépôt?

The Hon'ble the Minister for Education: No.

*54. **Munshi Gajadhar Prasad:** Do Government intend to abolish the seed dépôt and thus make a saving during the present financial stringency?

The Hon'ble the Minister for Education: No.

*55. **Khan Bahadur Hafiz Hidayat Husain** : [*Postponed at the request of Government.*]

POWER INVESTED TO HEADS OF TECHNICAL AND INDUSTRIAL INSTITUTIONS TO CLOSE THEIR INSTITUTIONS.

*56. **Chaudhri Ram Adhin** : Is it a fact that the heads of technical and industrial institutions are not invested with the power to close their institutions for a day or two of their own accord on the request of their students on any important festival in which Director's permission cannot be had on account of want of time? If so, why?

The Hon'ble the Minister for Education : (1) Yes.

(2) The Government do not consider it desirable to invest heads of technical and industrial schools with unlimited discretion to close their schools on their own authority.

DEPRESSED CLASS SCHOOLS IN MUNICIPAL BOARDS.

*57. **Mr. Perma** : Are Government aware that there is a demand that a school for the depressed classes should be opened by municipal boards in the United Provinces, especially at places where there is none at present?

The Hon'ble the Minister for Education : No definite suggestion has been made to Government by any municipality.

*58 and 59. **Mr. Perma** : [*Postponed at the request of Government.*]

*60 to 64. **Rao Krishna Pal Singh** : [*Postponed at the request of Government.*]

*65 to 70. **Rai Sahib Lala Anand Sarup (absent)** : [*Postponed at the request of Government.*]

SALE OF STAMPS.

*71. **Rai Sahib Lala Anand Sarup (absent)** : (a) Will the Government be pleased to state the present practice of the sale of stamps (judicial and court-fees) from the Government treasuries in the districts?

(b) What commission is allowed to the stamp vendors?

(c) How are the stamp vendors appointed?

(d) Have the Government treasurers any control over them?

(e) Have Government received any representation from the United Provinces Government Treasurers' Association, Lucknow, and from individual treasurers requesting the Government to effect the sale of stamps through the treasurers and to allow the prescribed fee to them?

The Hon'ble the Finance Member (Mr. E. A. H. Blunt) : (a) Stamps are sold at a district treasury through *ex officio* and licensed stamp vendors. The *ex officio* vendor is generally the treasurer of the district treasury or his agent, assistant or tahvildar. For other details the honourable member is referred to rules 64 and 87 in chapter III of the United Provinces Stamp Manual.

(b) Commission on sale is allowed only to licensed stamp vendors, the rates varying with the kind of stamp sold and the place of sale. Details regarding general stamps are given in rule 70 of the United

Provinces Stamp Manual, as amended by notification No. C-449/X—478, dated December 23, 1931, and those regarding court-fee stamps in rule 99 of the Manual.

(c) Licensed stamp vendors are appointed by the collector of the district.

(d) Government treasurers have control over *ex officio* vendors, but not over licensed stamp vendors.

(e) Yes.

*72. **Rai Sahib Lala Anand Sarup** (*absent*): Will the Government be pleased to state what action do they contemplate to take on the said representation?

The Hon'ble the Finance Member: The representation is under consideration.

*73 to 76. **Rai Sahib Lala Anand Sarup** (*absent*): [*Postponed at the request of Government.*]

UNSTARRED QUESTIONS.

1 to 3. **Khan Sahib Muhammad Hadiyar Khan**: [*Postponed at the request of Government.*]

4 and 5. **Chaudhri Bharos**: [*Postponed at the request of Government.*]

6 to 10. **Khan Sahib Muhammad Hadiyar Khan**: [*Postponed at the request of Government.*]

TEACHING AND CLERICAL STAFF OF AGRICULTURAL COLLEGE, CAWNPORE, AND AGRICULTURAL SCHOOLS OF GORAKHPUR AND BULANDSHAHR.

11. **Khan Bahadur Hafiz Hidayat Husain**: (i) Will the Government be pleased to furnish a statement compiled in the following form relating to the teaching and the clerical staff of the Agricultural College, Cawnpore, and the Agricultural Schools of Gorakhpur and Bulandshahr? :—

<i>Services.</i>	<i>Muslims.</i>	<i>Hindus.</i>	<i>Others.</i>
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Imperial
Provincial
Subordinate
Clerical

(ii) Do Government recognize the paucity of Muslims in the service, if so, how do Government propose to make up the deficiency?

Mr. V. N. Mehta: (i) A statement giving the required information is laid on the table of the honourable member.

(ii) The Manual of Government Orders clearly lays down the necessity for avoiding preponderance of persons of one creed or caste in the ranks of administrative service and the Director of Agriculture will keep this point of view in filling, in future, administrative posts in the schools and college under his charge. In filling technical posts in the teaching line the details of which have been given in the statement in reply to part (i), there are obvious limits to adhesion to this principle. An

endeavour is made to see, that provided persons with the requisite technical qualifications are forthcoming different communities are adequately represented on the teaching staff.

(See Appendix B, page 165.)

12. **Khan Bahadur Hafiz Hidayat Husain:** Will the Government be pleased to state the number of arrests and convictions under the various Ordinances and the Criminal Law Amendment Act, since their enforcement in these Provinces, districtwise corrected up to 31st January, 1932?

Mr. J. M. Clay: (a) Government regret that they have no information as to the number of arrests.

(b) A statement is laid on the table.

(See Appendix C, page 166.)

13 and 14. **Khan Bahadur Hafiz Hidayat Husain:** [Postponed at the request of Government.]

DEMANDS FOR SUPPLEMENTARY GRANTS.

The Hon'ble the Finance Member: Sir, I rise to communicate to the Council the request of His Excellency the Governor that under the head "Police Administration" a sum of Rs. 2 be granted and I move that the sum be voted.

Kunwar Jagbhan Singh: I beg to move that under Grant No. I, sub-head Police—C.I.D., a reduction of Re. 1 be made.

I have gone through the supplementary estimates this morning and after scrutinizing the budgetted amount for the last year and the extra amount of Rs. 61,000 which has been incurred in addition to that, I have come to the definite conclusion that the present moment is very inopportune for asking for the grant of such a big sum. The reason is simply this that if it was found necessary to incur this sum in excess of the sum originally budgetted for the Government could very easily have come before the House for this grant when the last two sessions of the Council were held. Why did they not come forward then? The Finance department itself ought to have checked this tendency of incurring extra expenditure. After having incurred a definite sum of expenditure to come to the legislature and to say that they have incurred this expenditure and want the Council to vote for it is absurd and against the very principle of democratic legislatures. If you have to take the vote of the legislature, then you must also care for the susceptibilities of the members therein concerned, because when you have already incurred expenditure on a definite item and then you come before the legislature, there remains absolutely nothing to be done. I do not want to say much under this head now, but I will expose the unnecessary expenses that are always incurred by the Criminal Investigation department. We shall discuss the matter fully when we come to the Police Department budget itself. The only technical point that has to be raised at this stage is that the department ought to have come forward to ask for this sum either in the July session or in the December session. To me the whole motive seems to be that they wanted to avoid the interference and criticism of the Auditor

General and also of the members of the Public Accounts Committee. The Police department realized that they were incurring very doubtful expenditure on some items and therefore they could not take courage and court the criticism of the Auditor. If there are any departments in the whole Government of India which are impervious to the public criticism and opinion of this country, I think they are the Railway and the Police departments. With regard to the Railway department the plea put forward before was that it was managed by companies who were traders, who only thought of their own profits and who did not care for the comforts of passengers, but now that plea no longer holds good because all the railways have been transferred to the State. I have seen with my own eyes that compartments for third class . . .

The Hon'ble the President: That is another matter altogether. The honourable member is going outside the motion before the House.

Kunwar Jagbhan Singh: Very well, Sir. It has been said in the memorandum that "the department had to be strengthened temporarily on account of the terrorist and other movements." I want to know definitely the strength of the terrorist movement in this province and what proportion or ratio of this movement have they been able to spot out due to this strengthening of the special Criminal Investigation department. I do not know if they are able to find out the real culprits. They simply spot innocent persons and by confabulations and other peculiar things which these Criminal Investigation department people do only innocent lives are wrecked while the real culprits who are past-masters in their own business go scot-free. What is being done now-a-days is that innocent persons are implicated and so many families are ruined on account of that. It is hardly safe for any responsible person now-a-days to be free from the shadowing of the Criminal Investigation department. If you are interested in politics and wish to attend some political party or meeting you are sure to be in the bad books of the Criminal Investigation department—you will always be shadowed and there is no help, they will always trace your antecedents, or even if you express the mildest possible views you are sure to be taken to be in their bad books. Now-a-days to be a patriot is a crime in India. Therefore to my mind to give the smallest stimulus to the activities of such a doubtful department which is always suspecting people when it really ought to be suspected itself, is not very safe. The technical objection which I have already mentioned is that they ought to have put this claim forward prior to this budget session when there was more time for discussion and then their own arguments could have been listened to. Now when they have already incurred the expenditure it is not right for the Council to vote this demand. On the strength of these arguments I oppose the demand.

Thakur Giriraj Singh: Sir, in this connexion, that is Grant No. 1, police reserved, about the additional supplementary grant, I beg to submit as follows: Sir, under the head Criminal Investigation department, the voted allotment in 1931-32 was Rs. 2,79,444. The Council made a lump reduction of Rs. 10,000 in March, 1931. Now here the additional supplementary grant demanded by the Hon'ble the Finance Member, is about Rs. 61,000. That means that although the Council

Thakur Giriraj Singh.]

made a lump reduction of Rs. 10,000 but at that time there was no objection by the Government benches and after due consideration again in the supplementary grant the amount, viz., of Rs. 1,000 was not demanded, but it has been increased to Rs. 61,000. Now I will show to the Council that this is not the proper procedure to be adopted at least in the Council when there are so many honourable members who have to scrutinize the supplementary grants for the following reasons. The actuals for 1930-31 under this head was Rs. 3,48,256; and the budget estimate of 1931-32 was reduced to Rs. 2,79,444. Now the reason for the excess expenditure, as given in the explanatory memorandum, is the terrorist movement and other causes. I think when the budget of 1931-32 was being prepared at least presented before the Council the Government benches must be aware that there will be a civil disobedience movement sooner or later so provision at least must have been made for that also. A supplementary grant at least to my mind means that under certain heads where anything happens which did not happen or was not foreseen at the time when the budget was being prepared. For such expenditure supplementary grant ought to be presented, otherwise not. Because otherwise under every head in the whole budget, an additional amount of more than Rs. 50,000 or a lakh as we will see afterwards, as has been presented, will be put before the House. It is mentioned that the department had to be temporarily strengthened on account of the terrorist and other movements. As regards this head it is not only my view but the view of the public outside also that this department is not doing so much as it ought to do. If I remember aright there were some honourable members here who were of the opinion that this department should be abolished altogether. So under this head at least such a big demand in the supplementary grant, namely, Rs. 61,000 ought not to be at least passed by this House. One argument may be advanced to-day by the Hon'ble the Finance Member, that when this budget of 1931-32 was being prepared he was not in charge of it.

This is the only argument that can be advanced, because the Budget of 1931-32, i.e., the current budget, was prepared by his predecessor, and now this Budget for 1932-33 has been prepared by him and when that Budget will come up before the Council for discussion, if there is anything worthy of being criticized by any honourable member it may be criticized then. Had this demand been under any other head, for example the District Police, I would have gladly accepted it and given my vote and agreed with the Hon'ble the Finance Member; but the Criminal Investigation Department is not such a department for which at least such a large grant should be granted by this House. This is the only thing that I have got to say on this.

The Hon'ble the Finance Member: Sir, I will deal first with the honourable mover. He has told us that we have swerved from the right path. Unfortunately, he does not know what the right path is. He tells us, in the first place, that we have spent this sum already. As a matter of fact, we have not. We expect that we shall by the end of the year; consequently it is not too late now for us to ask for the money

that we want. He tells us again that we ought to have asked for it in July or December last; in other words, that we ought to have asked for it before we knew that we wanted it. The Finance Department, Sir, has many good qualities, but prophecy is not one of them. He also tells us that we are only doing it because we are afraid of the Auditor-General and the Public Accounts Committee. I should be very much more afraid of the Auditor-General and the Public Accounts Committee if I did not ask for this sum. Incidentally, it would be the Council with which the Auditor-General would be displeased if it were refused and not the Finance department or the Police department.

The second speaker was attacking the subject from another point of view. He suggested that when the cut was made in the last budget no objection was taken. I am speaking entirely from memory, Sir, but I believe that there was objection taken and the Government only agreed to it on the condition that if it wanted the money in the course of the year it would come and ask for it. It has found that it wants the money and it has therefore come and asked for it. He also told us that we ought to have known that this excess was probable at the time when we framed the Budget. Again, I must disclaim any gift of prophecy for the Finance department. We thought that we should be able to do without the Rs. 10,000 when we agreed to the cut; but circumstances altered during the year in a way in which nobody could foresee, and we now find that we want more. The argument that I was not in charge of the last budget is immaterial. I was not in charge of it, it is true, but I certainly prepared it and consequently I feel greater responsibility than if I had been in charge.

As to the merits of the Criminal Investigation Department,—well, Sir, I think if there were no Criminal Investigation Department there would be a good many people both inside and outside the House who would feel much more uncomfortable than they do now. I will leave that to the Police department to deal with. I will just point out the difference between the two speakers. The honourable mover thought quite plainly that the Criminal Investigation Department were doing a great deal too much. The second speaker made it equally plain that they are not doing as much as they should. Well, the Council can make its choice of these two views. The need for this money has been explained in the note. It is due to the recrudescence of the political trouble and to the terrorist and other movements that are going on. If it were not for the Criminal Investigation Department there would have been many more murders than there are. We are not asking for new money. We have got savings elsewhere. We are not going to exceed the entire police budget. We are coming here simply because a cut had been made. If the cut had not been made we need not have come here. I certainly consider that the House should vote the token demand merely because it is a token demand.

Rai Bahadur Thakur Hanuman Singh: Sir, I do not rise to condemn or praise the Criminal Investigation Department. What I intend to bring to the notice of the Council is this that the Government has a tendency to act in a manner so as to avoid the interference of this House.

Rai Bahadur Thakur Hanuman Singh.]

Everybody on the floor of this House knows that the Council has got the power to sanction certain provision for expenditure on certain departments. Without that sanction the Government has no authority to spend any such or any amount on any department. Fully knowing this the Government has spent Rs. 61,000 on the Criminal Investigation Department without obtaining the sanction or approval of this House.

The Hon'ble the Finance Member: No.

Rai Bahadur Thakur Hanuman Singh: I emphatically say, Sir, that it has done so because the supplementary demand has been made towards the close of the year.

The Hon'ble the Finance Member: We have that amount of money in our possession and before we spend it we are asking for it.

Rai Bahadur Thakur Hanuman Singh: That is, the money is in the hands of the Government and the Police department has been able to save the amount demanded now under certain other sub-heads. There I agree with the Hon'ble the Finance Member. But when there was a cut of Rs. 10,000 against the whole police demand at the time of the budget the Government ought to have known that the Council did not want that a single pie beyond that amount which it sanctioned ought to have been spent by it. Government has not respected the cut of the Council and it is for this reason that this Council should not allow the demand which has just been made by the Hon'ble the Finance Member. This Council should see that its vote is respected by the Government. If the Government does not respect the vote it is no good for this Council to come and assemble here. It is true that the Government in previous years has been spending similar amounts but when objections were raised by the Auditor-General then the Government changed its policy, and began to take the Councils sanction and to present supplementary demands towards the close of the year with a view to avoiding the objections of the Auditor-General. Had there been no objections in previous years by the Auditor-General, Government would not have come up with this demand. I submit that the Government has spent this amount against the vote of the Council. Therefore the Council should give its verdict that no amount beyond what had been sanctioned by it should be spent by the Government. The Government must take the sanction of the Council before incurring such an expenditure.

Shaikh Muhammad Habib-ullah: I have dispassionately watched the difference of opinion between the Government and the Opposition benches. To my mind, the view taken of the matter by the Opposition is not sound. They say that Government had no right to incur an expenditure of any kind, whether emergent or unavoidable, beyond the amount sanctioned by the Council, without first obtaining the sanction of this House. Now, Sir, the Government of every country has to take upon itself the responsibility of incurring an expenditure in the hope that the amount it is spending is in a good cause and the delay will be detrimental and that the Council would support it.

Rai Bahadur Thakur Hanuman Singh: In such a case the Government should obtain the sanction of the Council immediately after they incur the expenditure.

Shaikh Muhammad Habib-ullah: This the Government has done. I think that this is the first time we have met since the expenditure was incurred. Moreover, as the Hon'ble the Finance Member pointed out, the whole amount of money for which the sanction of the Council is sought, has not been spent yet. The honourable member, on the other hand, asserted that Government should have obtained the sanction of the Council before incurring any expenditure at all. To my mind, at a time when the peace of the country was disturbed and when there was danger of the terrorist movement rapidly spreading in the province, the Government did just the right thing by taking steps to counteract such movements, and I think that they are entitled to our support for this.

Rai Bahadur Thakur Hanuman Singh: But the Government should have obtained the sanction of the Council for incurring such an expenditure.

Shaikh Muhammad Habib-ullah: The Government has done so when the House has met.

Rai Bahadur Thakur Hanuman Singh: Does not the honourable member know that this House met before this also?

Shaikh Muhammad Habib-ullah: But the Government started incurring the expenditure after the last Council had met.

Rai Bahadur Thakur Hanuman Singh: The honourable member may be in the know of things, but we are not.

Shaikh Muhammad Habib-ullah: At all events, my friend should not overlook the fact that during the last three months a great change has taken place in the country. But for the timely action taken by this Government, our province would also have been the hot-bed of terrorist movement. I submit that it was wise of the Government to have taken steps well in time to prevent the spread of such a movement in this province. I congratulate the Government on its foresight. Some of my honourable friends have displayed a technical knowledge of the working of the Criminal Investigation Department. I submit that the Criminal Investigation Department is not peculiar to this province alone. There is the Criminal Investigation Department everywhere. This House will remember that even a man like Mahatma Gandhi had to be protected by the Criminal Investigation Department when he visited Europe. In no country is the expenditure on the Criminal Investigation Department considered a waste. The Hon'ble the Finance Member has very rightly pointed out that except for the precautionary measures taken by the Criminal Investigation Department we would have been in the grips of a terrorist movement like the neighbouring province of Bengal. Their work is not visible. It is behind our eye. It is only of course those people who have been shadowed or are being shadowed by the Criminal Investigation Department who have to complain against it. I have not been shadowed by the Criminal Investigation Department.

Shaikh Muhammad Habib-ullah.]

I criticised very much what the police did in Lucknow. Still I have not been shadowed because my work was open, and not like that of some of the other people. With these remarks I think the position taken by some of the members of the opposition benches is not correct.

Mr. S. T. Hollins: I am a good deal distressed by hearing the criticisms levelled against the Criminal Investigation Department by two honourable members, and I should like to make a few remarks in order to try and correct their outlook about the Criminal Investigation Department. They seem to think that the Criminal Investigation Department activities are entirely directed towards the terrorist movement or towards political movements, but that is an incorrect view. The Criminal Investigation Department consists of several departments. Firstly, there is the Criminal department. The members of that department take up all important crimes that extend beyond one district or extend over several provinces. Just at the moment we have several such big cases in hand. For instance, there is what is called the Malsia coining conspiracy case under inquiry. We have arrested something like 62 people in connexion with that conspiracy. Now that conspiracy extends all over the Punjab, all over the United Provinces, all over Bihar and Orissa and right down to Calcutta. We have recovered some coining machines that were made in Germany, and they are exhibits in the case. Now the Malsia community, as most honourable members know, are a very wealthy community in the Punjab and they have untold wealth. They have a regular defence fund, and they are prepared to pay Rs. 50,000 for the defence of the men who have been run in in this case. Now, we in order to save expenditure, have a Deputy Superintendent of Police on Rs. 250 a month conducting the prosecution in that very important case. Had we decided to engage special counsel, we should have paid him anything from Rs. 300 to Rs. 500 a day and this would have involved considerable expenditure. Instead of that we have been content with appointing one of our own men to conduct the prosecution. Now, that is one of the activities of the Criminal Investigation Department.

Then there is the General Branch, which deals with the activities of criminal tribes. The activities of that branch are philanthropic and beneficent. We are trying to reclaim criminal tribes all over the provinces. Some of you have visited the Kalyanpur settlement, and you know . . .

The Hon'ble the President: The honourable member had better address the Chair.

Mr. S. T. Hollins: Some of the honourable members probably have visited Kalyanpur, and they know what we are doing there. Now, surely this House would not suggest for a moment that the Kalyanpur settlement should be abolished or that any other settlement, which we finance through the Criminal Investigation Department, should be abolished. There is the Fazalpur settlement, for instance. Many honourable members have probably seen Fazalpur. I submit, therefore, to the House that a good deal of the extra expenditure we incurred has been in connexion with the Criminal Branch and the Criminal Tribes Branch.

Then we have another branch which deals with finger prints. These are very essential. In all criminal cases previous convictions have to be proved. This is done by means of the Finger Print Bureau. Therefore these are three indispensable branches of the Criminal Investigation Department.

Then we have a fourth branch which deals with the revolutionary movement. I submit to the House that though we have had many minor revolutionary outrages in this province, we have had none of a very important nature. The House remembers very well that several very important officials had been murdered in Bengal, but not a single one in this province. We do not take the entire credit to ourselves. But I submit that we have men shadowing all important officials and all people who are engaged in important public activities. It may be attributed a great deal to the exertions of these men that our public servants have been free from attack. The honourable members know that there have been frequent bomb outrages in Lakhimpur, two in Lucknow, in Shah-jahanpur, one in Sitapur yesterday when a bomb was placed outside the house of the Head Master of a school. The bomb exploded, but it merely injured the chaukidar who found it. It was intended for the Head Master. We have a small staff which deals with these bomb outrages and is collecting material. I submit that if we do not collect information about those people who are indulging in revolutionary activity we will have more of it. It is not only officials but the honourable members and others in high positions who incur the odium of a section of the community.

There is only one other point which I may mention. It has been suggested that we should have anticipated this expenditure and that we should have come before the House for permission to incur it before we actually did so. I submit that in a department like the Criminal Investigation Department we do not know what is going to happen. Sometimes we have to deal with emergencies. We did not know that we would exceed the budget and therefore we thought that we would be able to honour the cut made by the Council. In the circumstances I contend that we could not come before the Council in the July session or in the December session for sanction to this additional expenditure. I therefore submit to the House

Rai Rajeshwar Bali: When was this expenditure incurred?

Mr. S. T. Hollins: It was gradually incurred. We did not know what the whole amount would be till the end of December. I examined the figures in December and thought that we could still honour the cut. I found, however, towards the middle of January that we could not honour the cut, and then I was forced to appeal to the Hon'ble the Finance Member to bring the matter to the notice of the Council. I do not know whether there is anything more which I can submit to the House.

Kunwar Jagbhan Singh: Sir, in view of the assurance given by the Hon'ble the Finance Member I withdraw the motion.

The motion was, by leave, withdrawn.

***Rai Rajeshwar Bali:** Sir, I beg to move that under the head "Police" sub-head "District Executive Force" the item of rupee one be omitted. The object for which I beg leave of the House to move this cut is twofold. Firstly, I wish to draw the attention of the House to the explanatory note given at the bottom of page 3. It is stated there "In the demand for allowances and honoraria the Council in March, 1931, made a lump reduction of Rs. 25,000, the actual sum voted then being Rs. 14,87,350. This will be exceeded." It has not been stated by what amount. We do not know for what sum we are being asked to vote. I was really surprised when I saw that no mention was made either at the top or in the explanatory memo. how much we are being asked to vote. We do not certainly want to give a blank cheque to the department. We do not know how much they want in order to meet this new expenditure. I think that it was only fair for the department to make this point clear when they were asking for more money.

The second point to which I wish to draw the attention of the House is this. I believe we all remember that last year a sum of Rs. 25,000 was cut in the head "District Executive Force" under "allowances and honoraria". I am aware of the fact that the Hon'ble the Finance Member mentioned at that time that in case he found that more money was wanted the Government would come before the House for that additional money. I am also aware of the fact that during the year certain extra police force was employed. But we have to bear in mind two facts. Firstly, that the Police department were asked like all other departments to make cuts in their expenditure and if we look to the fact that the sum voted for allowances and honoraria came to nearly 15 lakhs, we do think, considering the general financial situation as well as the cuts that have already been made by the various departments, that this was too big a sum to be met. Secondly, I wish to refer to the Report of the Retrenchment Committee. On page 35 it is stated "So far as travelling costs go, the new rules will affect this head, and a saving at the rate of Rs. 11,000 monthly has already been effected by reducing the scale of horse and conveyance allowances." In other words even at the time when the report of the Retrenchment Committee was made it was found that under the head "allowances and honoraria" a saving at the rate of Rs. 11,000 a month was being made. It is fair to assume that this saving has been made at least for four or five months. If that is true then we have saved much more than Rs. 25,000, and much more than what would be needed for the employment of a small emergency force. Therefore I wish the Government benches to point out and explain to the House, firstly, what expenditure they think would be necessary. Secondly to explain why in spite of the savings that have been made under this head this extra expenditure has to be met.

The Hon'ble the Finance Member: I must apologise for the oversight in the explanatory note. The gross sum, of course, should have been mentioned there, and I can only say I am sorry that it wasn't. But I am sure the House will realize that during the last few weeks, the

Finance department in particular and the whole of Government in general have been rather rushed. The figure is about Rs. 15,000—a very small sum incidentally, about one per cent. of the total. As for the reasons why the expected saving did not accrue under this head, the explanation is sufficiently simple. We reduced the rates of travelling allowances and if travelling had remained normal there would have been a saving. The trouble was that travelling did not remain normal; and what we gained on the swings we lost on the roundabouts. I must remind the House, further that this is not merely a question of travelling allowance. There are other allowances included in this—conveyance allowances and all sorts of allowances. The mere recruitment of the emergency reserve force would increase the allowances because there would be more men to draw them, and that would be quite apart from any additional travelling that was done. The late Inspector-General of Police, Sir Robert Dodd, used to watch his budget with the most immense care. He used to spend many hours with me discussing where he could save so as to cover excesses elsewhere. Mr. Hollins is repeating the performances of his predecessor. The House can take it for certain that the Police budget is very carefully watched and not a penny will be asked for either in the original demand or in the supplementary demand which is not absolutely necessary. The House will also realize that it is a department which cannot completely control its expenditure. Unfortunately, their activities depend not so much on themselves as on other persons, mostly *badmashes*, who have to be controlled. If the *badmash* will cease from troubling, the Police department will have a rest; and there will be no supplementaries.

I hope the House will vote this. I have been very carefully into this matter myself, and I am quite convinced that there has been neither reckless nor careless spending in the Police department anywhere this year.

***Rai Rajeshwar Bali :** Sir, I must admit that I have not been convinced by the speech of the Hon'ble the Finance Member so far as the excess expenditure is concerned. As I pointed out, the Police department themselves anticipated a saving of about Rs. 11,000 a month for several months. I know that they had to employ this additional police and therefore they had to incur additional expenditure in their travelling and other allowances. But were those items of additional expenditure so great that they consumed all that saving of Rs. 11,000 a month and Rs. 15,000 still further? That has not been sufficiently explained. But, Sir, in view of the fact that the sum involved is a very small sum and also because I find that in the new budget the expenditure under travelling allowance has been reduced from Rs. 11,25,000 to Rs. 9,67,000 I do not wish to press the motion to a division.

The motion was, by leave, withdrawn.

The Hon'ble the President : The question is that under head Police (Reserved) a sum of Rs. 2 be voted.

The question was put and agreed to.

*Speech not revised by the honourable member.

The Hon'ble the Finance Member: Sir, I rise to inform the Council that His Excellency the Governor recommends that under the head "Construction of Irrigation and Hydro-Electric Works not charged to Revenue" a further sum of Rs. 6,89,000 be granted, and I move that this sum be voted.

***Rai Rajeshwar Bali:** Sir, I beg to move that under sub-head B.—Hydro-Electric Schemes not charged to revenue a reduction of Re. 1 be made.

My object in making this motion is to draw the attention of the House to the manner in which the Government seem to have ignored the House in the matter of this Hydro-Electric scheme. If we look at the explanatory memorandum, we find that in sub-paragraph (2) it is stated that a sum of Rs. 75,000 is required for financing the under water-works at Bahadurabad and Bhola power stations. That is to say they want this money in order to do this work. But that is not a fact. They have already done the work, as will be clear from the next sentence. "It was, therefore, considered advisable to carry out this work during the last monsoon." This means that they had already decided to carry on this work, and they carried out this work during the last monsoon. The same has happened with regard to other schemes also. For instance, they say, as regards the Ranganga canals, that no provision was made in the current financial year for capital expenditure on them. And later on they say: "The total expenditure during the current financial year is expected to be Rs. 2,00,000 for which no provision exists in the budget." Obviously these Rs. 2,00,000 cannot be spent within the month when the financial year will come to a close. Money has been spent on them. The work has been carried out and now when they have finished the work they ask us to vote this money. This is not a minor item of Rs. 15,000 or Rs. 20,000, but it amounts to as large a sum as Rs. 5,00,000.

Sir, I remember in this connexion that when the Retrenchment Committee was sitting the Committee suggested that the number of Superintending Engineers in the Irrigation Branch be reduced. We found that during our meetings an additional Superintending Engineer had been added instead of any reduction being made. We made a complaint of that when we were discussing the Retrenchment Committee report in December on the floor of this House, and the Hon'ble the Finance Member stated, so far as I remember, that this was necessitated because this additional Hydro-Electric scheme had to be taken in hand. Now it appears that all this has been going on without informing the House of anything about it.

The Government had devised that scheme,³ they were carrying it out, they appointed an additional Superintending Engineer and when the whole work is finished they have now come before the House to vote this sum of money. I say that this is really reducing the House to a position of utter futility and I hope the House would agree with me in lodging a strong protest against the manner in which the whole proceedings have been conducted. As a matter of fact I am personally

*Speech not revised by the honourable member.

unaware as to how far this hydro-electric scheme has succeeded. Perhaps the honourable members who belong to those parts of the province will be better able to say whether the scheme will be a success, whether the scheme has been carried through with strict regard to economy, whether supply is commensurate with demand or it has been otherwise, whether the enthusiasts of the department have not spent more money than was really required according to the necessities of the situation. I personally cannot express any opinion, because I am not aware how it has been carried out and I have no personal experience of this scheme. I am sure the honourable members, who come from those parts of the province will enlighten the House on these matters. At any rate to me it appears very suspicious that, while we have been curtailing our activities in every direction, while even the most beneficent departments have suffered the axe, this expenditure should have been going on without the Council ever coming to know what was going on. It is in view of these facts that I place this motion before the House and I hope the House would support me in making a strong protest against the manner in which the Government have treated the House.

Mr. C. St. L. Teyen: Sir, the honourable member's motion is directed at the manner in which money has been spent without prior intimation having been given to the Council. In one respect I suggest that the complaint is not well founded, because this expenditure could have been allowed to go on and it would have come to the notice of the House only 18 months or two years hence when the appropriation report was received. Then it would have been too late to do anything. Instead of waiting for that stage, we are informing the Council immediately that the money has been spent; and it is perfectly true that the money has been spent. The circumstances were such that there was no alternative. The demand is mainly due to a pure omission on the part of the Department which did not bring to notice the large demand for the Ramganga Canal; in fact the department did not know how much money was due for compensation. The Council has of course been voting money in the past for the Ramganga canal; and there is no alternative now that the land has been acquired and that payments have been made. The other item relates to the Bahadurabad station, which, the honourable member thinks, should not have been undertaken without prior sanction having been obtained of the Council. There was no intention when the budget was presented in March last of carrying out any under water-works at Bahadurabad. I might mention that there are five bays; three had been electrified; two were left over to be electrified later when the demand increased. In the case of these two bays it was thought that the canal could be closed for a short time to enable the under water-works to be done, but actually when they examined statistics further and the two Chief Engineers collaborated, the Chief Engineer, Canals, said plainly that after viewing everything he could not agree possibly to allow the canal to be closed for the under water-works later on and that if the under water-work was to be done, it must be done at once; otherwise, it would cost about four lakhs instead of a few thousand rupees. There was thus no alternative in the interest of canal irrigation than to do the under water-work

Mr. C. St. L. Teyen.]

in these two bays in anticipation of their future electrification. The work had to be done in the early monsoon and it is admitted that it was done.

As regards the Superintending Engineer, I would ask you, Sir, whether you allow that point to be raised because it does not directly arise from this head "Construction of Irrigation and Hydro-Electric Works not charged to Revenue", and it has been the practice not to permit any questions of principle or policy to be raised in connexion with a demand for a supplementary estimate.

***Rai Rajeshwar Bali:** I only mentioned that incidentally; I did not make that as a complaint.

Mr. C. St. L. Teyen: I might state the facts. The particular expenditure was incurred when the additional superintending engineer did not exist. The superintending engineer went away on leave; and then the post of extra superintending engineer was held in abeyance for six months and it is during these very six months that this expenditure arose.

Nawabzada Muhammad Liaquat Ali Khan: Does it mean that if there had been that superintending engineer

Mr. C. St. L. Teyen: I have merely stated the facts. I do not wish to draw any inferences.

Rai Bahadur Babu Awadh Bihari Lal: I strongly oppose this motion for a supplementary grant of Rs. 6,89,000.

The Hon'ble the President: Is it the whole of it?

Rai Bahadur Babu Awadh Bihari Lal: Yes, Sir.

The Hon'ble the President: That is not the point before us. The motion made by Rai Rajeshwar Bali is for a reduction of Re. 1 only. If the honourable member wants to oppose the whole of the supplementary demand, he can do it later.

Rai Bahadur Babu Awadh Bihari Lal: All right, Sir.

Shaikh Muhammad Habib-ullah: Sir, I rise to endorse the objection in principle raised by my friend Rai Rajeshwar Bali Sahib. At the very outset when this hydro-electric scheme was being undertaken, I pointed out to the then Hon'ble the Finance Member that in their service there was hardly a man or a body of men whom I should consider men of business and the undertaking of this hydro-electric scheme was absolutely a business proposition, and I now find at every stage that these people on account of their lack of imagination and thought and the knowledge of the detail of the work, are incurring expenditure from time to time which they could not and cannot anticipate in making proposals for the completion of the scheme. The gentleman who was put in charge of the work is my friend. He is a good polo player and a shikari, but I can hardly call him a man of business. I do not know where he may land us, if he is proceeding in this way and by proceeding with the work in this slipshod fashion. Well he may think that he does not deserve

my criticisms because his services have already been recognized by the Government, but I should say that when Government are undertaking such schemes they should always try to keep experienced men of business and not try to select men from the Irrigation department or the Public Works department to put in charge of a scheme like this. Now, Sir, I say to this House that supposing this electric scheme had been installed by any public company by raising capital and if such a thing had been before the company, I do not know what would have been the position of the man in charge.

Khan Bahadur Maulvi Fasih-ud-din: On a point of order, Sir. Can we discuss policy in connexion with this supplementary estimate?

The Hon'ble the President: I was waiting to see whether the honourable member was coming to the point. Perhaps he is not proposing to discuss the policy.

Shaikh Muhammad Habib-ullah: Now, Sir, it is said by the honourable secretary that it was found by the people in charge of the work that this hydro-electric work was necessary and it had to be done so they did it and after doing it they have come to us for sanction and if they had not come to us for sanction now, it would have been much too late. They are late but not much too late. It is admitted that they are late but at the same time it is said that they are not much too late. I think any delay in a thing of this kind is inexcusable. Why should there have been any delay? It is a thing which the man in charge ought to have anticipated or known. There may be a lot of other things connected with the scheme which he may not know and such being the case the point of order raised by Khan Bahadur Maulvi Fasih-ud-din is not in order as the motion before the House is to reduce the amount by Re. 1 which means criticisms in principle and I must endorse it fully. I think the same remarks would apply to the under water-works at Bahadurabad. This is a thing which should have been put in charge of an expert man, a man fully conversant with what he was going to do. It is said that it was thought that when the demand will increase it will be found necessary, but within the year it became necessary and it had to be done. I think really that the form in which this grant is given and the reasons given for these grants require criticisms and I think it is time that the Council should show its disapproval of methods of this kind. I therefore fully support the motion that a cut of Re. 1 should be made.

Raja Jagannath Bakhsh Singh: May I ask a question? My question is whether these items came before the Finance Committee and they approved of the expenditure?

The Hon'ble the Finance Member: The grant under the scheme went before the Finance Committee.

The Hon'ble the President: The Hon'ble the Finance Member has already taken part in the debate. I thought he was getting up to make a speech—he can make one later. Has not the Hon'ble the Finance Member spoken at all?

The Hon'ble the Finance Member: No.

The Hon'ble the President: I am sorry.

Nawabzada Muhammad Liaquat Ali Khan: A point of order, Sir. Has not the Hon'ble the Finance Member already spoken when he moved the grant?

The Hon'ble the President: I have considered that point. He did not speak but merely moved the grant. He is entitled to take part in the debate.

The Hon'ble the Finance Member: Sir, I do not know that there is very much to be said about this matter, except that the Government is as much annoyed as the Council, and has said so. I do not mind making that perfectly plain. I will even go further and I will say that if this one rupee cut is passed we shall richly deserve it. I am not at all sure that I shall even oppose it.

***Rai Rajeshwar Bali:** Sir, my task in replying to the debates has been rendered very easy by the speech of the Hon'ble the Finance Member himself. I need not waste the time of the House. I believe every one of us agrees that a grave financial irregularity has been committed and that the irrigation branch are perhaps more to blame than even the Finance Department. At any rate as I am aware of the fact that these departments are in the habit of spending money and facing the Government with an accomplished fact when they find it so difficult to avoid the expenditure, and as I find that under these circumstances the Finance department is apt to fall into their clutches, therefore I do not wish to withdraw the motion and I hope that the House will press it to a division.

The Hon'ble the President: With what object?

***Rai Rajeshwar Bali:** In order to protest against the manner in which the whole proceedings have been carried out behind the back of the House. We want to record our strong protest against the manner in which the House has been treated in this matter.

The Hon'ble the Finance Member: All I want to say is that I consider that no blame whatever attaches to the Finance Department. They cannot tell what the Irrigation Department are doing secretly under water or anywhere else. The blame must attach in this case to the proper department.

***Rai Rajeshwar Bali:** Then the Finance department should not have allowed the expenditure.

The Hon'ble the Finance Member: How could we stop it when we did not know what was going on?

The Hon'ble the President: That would be a matter for domestic quarrel, I believe. I do not think the House would be called upon to give its decision on that.

The House has heard the object of the motion made by Rai Rajeshwar Bali. The question is that under "Construction of Irrigation and Hydro-Electric Works not charged to revenue" a reduction of Re. 1 be made.

The question was put and agreed to.

The Hon'ble the President: The question is that under "Construction of Irrigation and Hydro-Electric works not charged to revenue" a sum of Rs. 6,88,999 be granted.

The question was put and agreed to.

The Hon'ble the Finance Member: I rise to report the recommendation of His Excellency the Governor that under the head "Expenditure in England on Irrigation works not charged to revenue" a sum of Rs. 15 be granted, and I move that the same be voted.

The Hon'ble the President: The question is that for "Construction of Irrigation works not charged to revenue—Expenditure in England" a sum of Rs. 15 be granted.

The question was put and agreed to.

The Hon'ble the Finance Member: I rise to report the recommendation of His Excellency the Governor that under the head "Collection and Administration of Land Revenue" a sum of Re. 1 be granted, and I move that the same be voted.

Rai Bahadur Thakur Hanuman Singh: Sir, I rise to move that the item of Re. 1 concerning the sub-head "Survey and Settlement" be omitted.

Looking at the explanatory memo. I find it stated there:—"Even this excess would not have arisen had it not been found necessary to keep on Settlement Officers for some time on work connected with rent remissions." Sir, every district has its own cadre of Deputy Collectors and other officers which is quite enough for the work of rent remissions, and the officers of the Settlement department, whose services were retained for this work, were not required for helping the district officers in the preparation of statements and other accounts concerning rent remissions. Had the Government abolished the Settlement department as soon as it was possible to finish settlement work a large amount of money would have been saved to the province and the district officers would have been left to carry out the work in connexion with the rent remissions. I would say, Sir, that had the settlements not been going on and had it been ordered by the Government that the Settlement Officers, after finishing the portion of the work which had not been completed, should go away, these Settlement Officers would never have been available for assistance to the district officers, and so their retention was a waste of public funds because in their absence the work would have been done by the district staff.

I know that certain junior officers of the Settlement department were put in charge of one or two districts to teach work to the senior Deputy Collectors and also to the Collectors how they should carry it on. To my mind it was most unnecessary. It is not only the amount of Rs. 17,545 which has been misspent, but much more money, which was provided for settlement purposes, must have been spent of which there is no mention here.

Shaikh Muhammad Habib-ullah: Sir, the question of the remission of revenue this year is not the same plain question of remission of rent as it has been in the past on account of calamity or famine, etc. It was a work of a most technical character, and I confess that in my interview with one or two Settlement Officers and the Secretary in the Revenue

Shaikh Muhammad Habib-ullah.]

department and the author of this scheme, Mr. Knox, I was not able to understand on what basis rent and revenue remissions were going to be made. It was not on the easy basis of a remission of 2 annas or 3 annas calculated on patwari papers, but it was a scheme which they had to work out on the basis of the prices prevailing in 1900 and earlier, and in some cases afterwards. Now, Sir, I will give you an instance of Allahabad, where a Settlement Officer happened to be the district officer, and even there they found that he was working on wrong lines and the Government had to work that scheme over again. I think, if I am not wrong, our Hon'ble the Finance Member happened to be the Commissioner there, and it was in his time that the whole scheme was revised. I now say from my practical experience that but for the help of these Settlement Officers who were perhaps coached by Mr. Knox, the author of the scheme, these Deputy Collectors and Collectors of even senior grades would not have been able to understand the scheme. It was a complicated scheme; it was not an easy scheme. I think those who know how the remission of rent has been done in the case of all classes of tenants will simply praise the Government for having employed this means to train the district staff for the preparation of the record for the remission of rent. So, Sir, I am sorry I cannot lend my support to the honourable mover. I am rather against it.

The Hon'ble the Finance Member: Sir, my friend Shaikh Muhammad Habib-ullah has made my task comparatively easy. He has, of course, given the complete answer. The honourable mover apparently imagines that these remissions of rent could have been done by anybody, Collector or Deputy Collector. As a matter of fact, it was a highly expert piece of work which no Collector could do, and having an expert staff we used it for the purpose. I can say something more out of my own experience. The scheme at Allahabad was prepared by one Settlement Officer. He was an extremely good Settlement Officer, but unfortunately he left before it was finished. There was nothing wrong with the scheme however. Mr. Bomford was another Settlement Officer, and I myself was a third; yet it took us a week to discover what precisely had to be done, and it took another couple of months to do it. That, according to the honourable mover, could have been done by anybody. I repeat, that these remissions were a job for experts, and having experts available, we used them. It was not, as the honourable member was pleased to remark, nor intention to waste the public funds—a gratuitous insult, which I strongly resent.

Rai Bahadur Thakur Hanuman Singh: My friend Shaikh Habib-ullah has in the course of his speech remarked that the work of remission of rent was of a very technical character. Even assuming that to be so, I submit that the work could have been done by the Collectors and the Deputy Collectors under the supervision of the Commissioners of divisions. Up till now we have been hearing that an I. C. S. officer can do any difficult work that may be given to him. Was this work so difficult that a revenue officer of the status of a Commissioner could not understand it and train his Collectors to do it in their districts? I think that the work was not so difficult. If a meeting of the Commissioners

had been called, the Settlement Commissioner or some other experienced Settlement Officer could have explained the whole scheme to them, and these officers in their turn could have trained their Collectors how to do it. But nothing of the kind was done. Extra expenditure was incurred on the retention of the Settlement Officers and on their tours. I am sorry that I cannot agree with the Hon'ble the Finance Member when he says that the money on this object was well spent.

I think even now, after hearing his speech, that it was not well spent. My object in moving this motion was to draw the attention of the Government to the necessity of saving every pie during these years of financial difficulties and not keeping on a staff for more time than its retention be absolutely necessary. With these few remarks I wish to withdraw my motion.

The motion was, by leave, withdrawn.

The Hon'ble the President: The question is that under head "Land revenue" a sum of Re. 1 be granted.

The question was put and agreed to.

The Hon'ble the Finance Member: Sir, I rise to inform the House of the recommendations of His Excellency the Governor that under the grant "Refunds" a sum of Rs. 50,600 be granted, and I move that the same be voted.

The Hon'ble the President: The question is that under head "Refunds" a sum of Rs. 50,600 be granted.

The question was put and agreed to.

The Hon'ble the Finance Member: I rise to inform the House of the recommendations of His Excellency the Governor that under head "Irrecoverable loans written off" a sum of Rs. 2,91,165 be granted, and I move that the same be voted.

The Hon'ble the President: The question is that under the head Miscellaneous charges—Irrecoverable loans written off" a sum of Rs. 2,91,165 be granted.

The question was put and agreed to.

The Hon'ble the President: I find that the motion of Kunwar Jagbhan Singh for reduction of charges for Commission of Inquiry is not votable. The Hon'ble the Finance Member has not asked the House to vote this amount at all. It is mentioned in the supplementary estimates. Charges on Commissions of Inquiry are non-voted, as the honourable member will see.

The Hon'ble the Finance Member: I rise to announce to the Council the recommendation of His Excellency the Governor that under head "Superannuation allowances and pensions" a sum of Rs. 96,600 be granted, and I move that the same be voted.

The Hon'ble the President: The question is that under head "Superannuation allowances and pensions" a sum of Rs. 96,600 be granted.

The question was put and agreed to.

The Hon'ble the Finance Member: I rise to announce to the Council the recommendation of His Excellency the Governor that under head "Commuted value of pensions" a sum of Rs. 1,35,400 be granted, and I move that the same be voted.

The Hon'ble the President: The question is that under head "Commuted value of pensions" a sum of Rs. 1,35,400 be granted.

The question was put and agreed to.

The Hon'ble the Finance Member: Sir, I rise to announce to the House the recommendation of His Excellency the Governor that under head "Leave salaries, etc., in England" a sum of Rs. 13,988 be granted, and I move that the same be voted.

The Hon'ble the President: The question is that under head "Leave salaries, etc., in England" a sum of Rs. 13,988 be granted.

The question was put and agreed to.

The Hon'ble the Finance Member: Sir, I rise to announce to the Council the recommendation of His Excellency the Governor that under the head "Medical" a sum of Re. 1 be granted, and I move that the sum be voted.

Rai Bahadur Thakur Hanuman Singh: Sir, I beg to move that the item of Re. 1 concerning the head "Medical" be omitted. I do not wish to make any speech on this. I want to know from the Hon'ble the Finance Member whether such increases have taken place in other departments also.

The Hon'ble the Finance Member: Sir, without going through the budget I am afraid I cannot inform the honourable member offhand. He is in possession of the budget as I am and he can obtain the information by comparing the revised with the budget of last year. Personally, though I cannot say definitely whether there have been similar increases anywhere, I should imagine that there have been many, in a great many places.

***Rai Rajeshwar Bali:** Sir, I wish to draw your attention and that of the House that we are greatly handicapped in a matter like this when we find that neither the Hon'ble Minister responsible for the department nor anybody who is responsible is present to reply to the question which has been asked. It has been stated that in the Medical department an excess of Rs. 2,490 has occurred mainly due to higher rates of postage. Naturally if the higher rates of postage have affected the budget of this department, they must have affected the budgets of other departments, and it is only fair for the House to ask as to what have been the exceptional circumstances in which this additional sum is required for this department alone. I hope that somebody who represents the department will make the position clear to us.

The Hon'ble the President: I quite sympathise with the honourable member in his contention that the Minister in charge of this department is not here. I do not know why. It may be that he thought that other members of the Government were present and are competent to look after the matter. It is for the House to form its own conclusion and not for the Chair to say anything.

Mr. C. St. L. Teyen : Sir, I hope that I shall be able to make the House realize that this is mostly a financial matter and not one directly concerned with the administration of the department. If the honourable members will refer to page 131 of the Detailed Budget Estimates of 1932-33 they will find that under the head "Superintendence" for pay of Officers the revised estimate does not show any excess as compared with what the Council voted last March, nor does travelling allowance show an excess. On the contrary, there is a saving of Rs. 300 under travelling allowance. The excess arises under "Contingencies". The contract grant was fixed in 1919 at a certain figure. Since then conditions have changed and, though the Inspector-General has frequently complained that the contract grant should correspond to present conditions, it has never been varied. He has been thus compelled to carry on his contingent expenditure, and there has been admittedly an excess regularly. This excess for which the Council is asked to vote a token sum of Re. 1 is thus due to excess of expenditure under contingencies. Taking the total for the head "Medical", the revised estimate shows that the sum will be $2\frac{1}{2}$ lakhs below what the Council voted. There will be an excess under "Superintendence" of Rs. 3,000, and that Rs. 3,000 is being met from other savings as was done in previous years. That is why it has been put forward in the form of a token motion.

Khan Bahadur Maulvi Fasih-ud-din : Was it not due to increase in stamps?

Mr. C. St. L. Teyen : Partly due to stamps, but not all.

Rai Bahadur Thakur Hanuman Singh : I am sorry the Government has not been able to give any satisfactory reply, but as the amount is very small so I do not want to press the motion.

The motion was, by leave, withdrawn.

The Hon'ble the President : The question is that for the head Medical a sum of Re. 1 be granted.

The question was put and agreed to.

THE UNITED PROVINCES GOONDAS BILL.

CLAUSE 2.

Definition.

2. In this Act—

(1) "Cawnpore" means "the municipality and cantonment of Cawnpore and the area in the Cawnpore district lying within five miles of the municipal or cantonment boundary."

(2) "District Magistrate" means "the District Magistrate of Cawnpore."

(3) "Goonda" includes "a hooligan, bully, rogue or badmash."

Rai Bahadur Thakur Hanuman Singh : I rise to move that for the words "bulley, rogue" in line 1 substitute "habitually hired ruffian, habitual swindler." This Bill when it will become law will give immense power to the police and to the District Magistrate of Cawnpore. Everybody knows what the police are and how they utilize the opportunity given to them to run in a person against whom there is a substantial

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charge or against whom they have got some prejudice of their own. It is much to be regretted that the Hon'ble the Home Member and the Legal Remembrancer have not been able to find a suitable definition for the word "goonda". Had they given their best consideration and consulted eminent lawyers who are Judges working under this Government they would have been able to give a definition which would have the effect of restricting the powers of the police as well as enabling the advisory Judges and the Local Government to come to some right conclusion. The definition of "goonda" as given in the Bill is too vague. I have tried to make it more definite, but I cannot say that it is perfect to any great extent. The word "bully" may be interpreted to mean any misdemeanant or certain attributes may be given even to such men who really are not bullies or rogues. For these two words I had proposed to substitute "habitually hired ruffians". That is, those ruffians, those turbulent fellows who do certain acts for payment and swindlers who cheat the people and do certain misdeeds for payment.

With these few remarks, Sir, I move that the motion be adopted.

The Hon'ble the Home Member: May I submit, Sir, one word. My honourable friend has said that the Home Member or the Government benches may have chosen some eminent lawyer to assist them in this work. I would only submit one word, that if the honourable member will look at the list of members of the Select Committee he will find that there have been there more eminent lawyers than one can get. Others are our advisers here who always draft the Bills and they have come to choose these words which the honourable member is criticizing. The other thing is that if my honourable friend is so much anxious to insert his own words, we will have no hesitation to accept those words, also any other words, say "lutchu", which may be suggested, provided our own wording is left intact. But I only wish to submit, to satisfy the House, that we had eminent lawyers in the Select Committee.

Mr. Brijnandan Lal: With due respect to Rai Bahadur Thakur Hanuman Singh, I may say I do not agree with the amendment. As there is no party mandate with regard to "goonda", I think I can safely oppose his amendment. Instead of "bully and rogue" he wants to have the words "hired ruffian and habitual swindler". These gentlemen generally carry on their trade for small honoraria that they can get. They are not generally hired. A gentleman who works honorarily is in no way better than the one who is hired by anybody. I think that a habitual swindler is better than a rogue, because he has acquired that habit and he cannot get over his habit; a rogue who has not acquired the habit of swindling is in a way better than one who is a habitual swindler, and I think no useful purpose would be served by substituting the words suggested in the amendment.

Shaikh Muhammad Habib-ullah: Sir, with due deference to my friend to my left (Rai Bahadur Thakur Hanuman Singh). I think if his amendment is accepted, it would not improve matters, but will deteriorate the wording. Bully and rogue have been used in the definition of a hooligan and a goonda. I think he said that he may be a hooligan;

he may be a rogue. Taking this expression "habitually hired ruffian", may I know whether habitually should come after hired—habitually hired ruffian. He means ruffian who habitually offers himself for hire. Is it not that?

Rai Bahadur Thakur Hanuman Singh: Yes.

Shaikh Muhammad Habib-ullah: I think a rogue includes a ruffian.

Rai Bahadur Thakur Hanuman Singh: Will the honourable speaker give me the meaning of rogue and bully?

Shaikh Muhammad Habib-ullah: Bully is a more comprehensive and general term than anything else, but habitual swindler may be a shop-keeper.

Rai Bahadur Thakur Hanuman Singh: It may be comprehensive or it may be limited, but may I know the meaning

The Hon'ble the President: Order, order. The honourable member should not interrupt the speaker like this.

Rai Bahadur Thakur Hanuman Singh: I want to know the meaning of bully and rogue.

Shaikh Muhammad Habib-ullah: A habitual swindler may be a man who is good at tricks in cards, or something like that. But he is not a hooligan. There is no reason that you should be afraid of him. You may find even in well-dressed crowds habitual swindlers, but they have none of the qualities of the hooligans or rogues. Here we are dealing with goondas or hooligans who are bullies and rogues, and the more, I think, we add to the definition of the goonda the more it will go against the object of my friend here. I think Calcutta is the only place where we have got the Goonda Act, if I am not mistaken. I think even there they have confined the definition to bullies and rogues. I do not think any additions to the vocabulary of the definition will improve the definition. This is the most complete definition that could be conceived.

Khan Bahadur Hafiz Hidayat Husain: Sir, in considering the amendments that have been proposed in this Bill I hope the House will not forget that this is a special measure designed for the city of Cawnpore, which has been overrun in the past for several years together by a body of persons—an indefinite body—which it is impossible to determine accurately. Therefore, Sir, the words that have been introduced in this Bill have been copied from a Bill in which conditions were analogous to the conditions prevailing in Cawnpore. Consequently when we consider the provisions of this Bill as placed before us, we will have to see how far the words employed in this Bill correspond to the realities of the conditions for which they are meant. Now, Sir, in the Select Committee those who were there agreed to a phraseology comprehensive enough to bring in all those persons for whom the Bill was meant. The words employed are:—"Goonda" includes "a hooligan, bully, rogue or badmash." We all know that according to the canons of interpretation of legal words whenever a definition uses the word "includes" it does not mean that the definition is exhaustive and exclusive. On the contrary, it means that it is not exhaustive and that the definition would include other adjectives deducible from the

Khan Bahadur Hafiz Hidayat Husain.]

context. Now, Sir, the expression that has been used brings in its rôle all those persons for whom this Act is designed. I may remind my friends here that in the English Act these very words are employed. There are three classes for whom the English law provides. One of them is styled "idle and disorderly person"; the second is "a rogue and vagabond" and the third is "an incorrigible rogue". These three expressions cover that entire class of people for whom the English law provides. Sir, I will not repeat all the objections that have been urged before against the acceptance of the amendment. But I may say that it is impossible to prove "hiring". Would it be possible for anybody to depose that such and such a person has been hired so that he may be brought in under the Goonda Act? The condition of things at Cawnpore is such that there are habitual bodies who have got their own leaders. These bodies go about not only for the purposes of extortion, but also for all possible nefarious objects against which the society ought to be protected. Whenever there is an election these bodies rise *en masse*, support one candidate against another, and it is notorious that nobody is safe from the hands of these men, and anybody who employs the largest number of goondas is sure to be successful in the election. Lately we have had an exhibition in Cawnpore of that orgy of bloodshed for which for years to come these provinces should be ashamed, and here the persons responsible for it were the persons who were employed, in order to perpetrate crimes against persons whose only fault was that they did not belong to the persuasion or religion of the persons by whom they were employed. Would it be possible for any number of police and detectives with all the strength at their command to prove that such and such persons were employed by such and such person for the purpose of committing that crime? I say that if you are to bring a measure on the Statute Book, do not place such restrictions as would make it a nullity; do not raise those objections which might facilitate that very work for which this Bill has been designed. I therefore say that the words employed there are comprehensive enough, and that no further words are necessary.

Rai Bahadur Thakur Hanuman Singh: My intention in moving the amendment has been to define the word "goonda", but, as I have already said, I have not been able to give such a definition as would approach any degree of perfection. The definition given in the Bill is also not perfect. If the House wants to retain the words as in the Bill I have no objection, and I will withdraw my motion; but I may again say that the definition is very imperfect and vague. It will create difficulty for the advising Judges, for the District Magistrate and for the Local Government to find out which person is really a goonda and who is not. Well, Sir, with these remarks I withdraw my amendment. If there is opposition, I do not want to press it because I am conscious of the imperfection of my own definition.

The amendment was, by leave, withdrawn.

The Hon'ble the President: The question is that clause 2 stand part of the Bill.

The question was put and agreed to.

CLAUSE 3.

3. Whenever it shall appear to the District Magistrate that any person—

(a) is a goonda, or a member of a gang or body of goondas; and

(b) is residing within or habitually visiting or frequenting Cawnpore;

and that such person or that such gang or body is committing or has committed or is *likely* to commit or is assisting or abetting the commission of—

(i) a non-bailable offence against person or property; or

(ii) the offence of criminal intimidation; or

(iii) an offence involving a breach of the peace;

so as to be a danger to, or cause or to be likely to cause alarm to, the inhabitants or to any section of the inhabitants of Cawnpore, the District Magistrate shall make a report to the Local Government with a recommendation that such person or gang or body of persons be dealt with under the provisions of this Act.

Rai Bahadur Thakur Hanuman Singh: I beg to move that for the words "whenever it shall appear to District Magistrate that any person" in clause 3 *substitute* "whenever after personal and other inquiries the District Magistrate has sufficient reason to believe that any person." The clause as worded in the Bill is "whenever it shall appear to the District Magistrate". It does not place any responsibility on the District Magistrate. It means that the District Magistrate, after receiving the report from the police and considering it, may recommend to the Local Government any person to be dealt with under the Act, but my amendment throws on the District Magistrate a good deal of responsibility for making his recommendation to the Local Government for action under this Act; and I think that it will not be too difficult for the District Magistrate to make a personal inquiry from respectable residents of Cawnpore City to ascertain whether the allegations against a certain person mentioned in the police report are true or not. This the District Magistrate can do while sitting in his bungalow. Besides the police agency he can ask his tahsildar; he can ask his City Magistrate to find out whether the report of the police submitted to him is correct or is not. If after making such inquiries, the District Magistrate has sufficient reason to believe that a certain person against whom a report has been made to him is really a goonda, then he should take action.

The Hon'ble the Home Member: I will only submit, Sir, that all these things should be left to the discretion of the District Magistrate. The District Magistrate is always a man who knows lots of things going on about him, and he is responsible for all the things which come to him and pass through his hands. The words "appear to him" mean that he will make all sorts of inquiries that he thinks possible and advisable to make. But you want the District Magistrate to perform another duty of going about and to inquire about a certain person. How is it possible? I do not think it will be feasible for the District Magistrate to do this. It is obvious that he will not be able to know by looking

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at him that such and such man is a goonda. He will make a certain amount of inquiry, he will obtain a certain amount of information, and then he will deal with the case. We in the Select Committee considered this thing properly, and inserted these words here. Therefore, Sir, I would respectfully beg the honourable mover of the amendment to consider the position and not to go further. Anyhow I am not in favour of this amendment.

Thakur Giriraj Singh: Sir, I rise to support the amendment moved by Rai Bahadur Thakur Hanuman Singh. I do not mean to say by this that the District Magistrate will not act judiciously in such matters, but we want that these words be added that whenever after personal and other inquiries the District Magistrate has sufficient reason to believe that any person is goonda or something like that he may be prosecuted. I think honourable members will be at one with me that these goondas of Cawnpore should be prosecuted at once, but at the same time we do not want that those who are not goondas should be prosecuted. That is, I think, the intention of my honourable friend Rai Bahadur Sahib in moving this amendment because I find that in some districts some poor people may be called badmashes or goondas under the present definition, but the real difficulty is to find out whether they are really goondas or not. There are men who have been classed by some police officials as goondas. But if one will look into matters and make inquiry about them that they are or are not goondas at all he will discover that they are not so. I am not a resident of Cawnpore and so cannot say anything definitely. But, when anything, at least a Bill, is passed all of us should be very careful in putting in words to make the meaning quite clear. I remember a case in one district when a certain police official complained to the District Magistrate that a mukhia of a certain village was a swarajist, so the renewal of his gun licence should be refused. The fact is Sir, that he never puts on khaddar, he never goes to a Congress meeting, and has not paid a pice to Congress but still the licence was not given to him this year. When representation was made to me I saw the Superintendent of Police, and the result was that the Superintendent of Police promised to make an inquiry.

The Hon'ble the Home Member: A point of order, Sir. Is the honourable member speaking about badmashi cases in districts, because I have been a Magistrate for about 30 years and I never came across a goonda being involved in such a case—that is badmashi cases.

The Hon'ble the President: The honourable member is in order—he is only illustrating his point.

Thakur Giriraj Singh: So the result was that after enquiries perhaps the licence was given this year. Had I not been accessible to that man and had he not come to me he would have been deprived of that privilege. So, Sir, although it is clear here that after personal and other inquiries the District Magistrate has sufficient reason to believe, nothing has been added after "inquiries", that the inquiries should be made by whom, by the Deputy Collector or the tahsildar. So it is open to the District Magistrate if he wants to prosecute a goonda, he can do so. So I say

there is no harm in the addition suggested by Rai Bahadur Thakur Hanuman Singh. With these words I support the amendment, and I hope that all the Councillors will agree with me.

Shaikh Muhammad Habib-ullah : I find there is a very superficial difference in the controversy. The honourable mover who has moved the amendment only adds a few more words which make it obligatory on the District Magistrate to make his inquiries through a certain person, while the words of the Bill as it has come out of the Select Committee are "whenever it shall appear to the District Magistrate". Now I should like to know the legal opinion on this question as to whether the word "appear" covers this point that the District Magistrate is satisfied. If it is said that whenever the District Magistrate is satisfied that such and such person is a goonda, I think that is quite enough.

Rai Bahadur Thakur Hanuman Singh : Is it not likely to be interpreted in other ways?

Shaikh Muhammad Habib-ullah : I do not know what is meant by "other ways." I think in judicial language the word "satisfied" covers a good deal of ground. You cannot be satisfied by means of a dream or imagination. You are only satisfied when certain facts are put before you as evidence and you cannot but draw one conclusion from it. That is the only sense in which the word satisfaction is used in judicial language. That is what is meant by "satisfied". It is said that the District Magistrate may be very careless or he may be spiteful and he might use his powers against people who do not deserve to be treated as goondas. Sir, with due respect, I say that in the Bill goonda has been given greater respect and greater concession than any class of bad characters in India. I do not think that any class of people marked as "bad characters" have the honour of their cases being sent to Government for sanction before any action can be taken by the District Magistrates against them. But goonda has been given this privilege. I do not know why the Bill gives him that privilege. The District Magistrate cannot take any action without the sanction of the Government. I think it is the greatest safeguard provided in the Bill in favour of the goonda. So far as the main difference is concerned, if I am only satisfied by the framers of the Bill that the word "appear" is as effective as the word "satisfied" I shall be quite content.

Mr. Gajadhar Prasad : I rise to support the amendment of my honourable friend Rai Bahadur Thakur Hanuman Singh Sahib. I do not see why the Hon'ble the Home Member should fight shy of such a simple amendment as the one moved by my friend, because, as a matter of fact, what he has asked for in that amendment is that the District Magistrate should make certain inquiries before making up his mind finally. The words "shall appear" are rather too wide. I will just make my meaning clear. Suppose a certain person—whether he is a *raia* or whether he belongs to the police department—we must not forget that there are numerous parties in the districts, political or otherwise, goes and makes a complaint to the District Magistrate and the District Magistrate in good faith thinks that a very good case has been evidently made out and issues a notice against such a person who as a matter of fact is innocent, the complaint being the outcome of malice. That is

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one aspect of the case. Another aspect of the case would be, where after hearing certain reports that may have been made to him by a person—whether he be a member of the Government or member of any party, political or otherwise—he institutes an inquiry and satisfies himself that the reports made to him are correct. Let us pause for a moment and see which of the two methods is more satisfactory.

This legislation is meant for abnormal times and we have to be very careful in giving powers to District Magistrates. The House should therefore be very careful of its rights. We may have no apprehension that the District Magistrate would not exercise his discretion in a proper manner; but there may be cases in which he may fail in spite of his attempts. He is, after all, human.

My honourable friend who has just preceded me has tried to make out a case that the words “shall appear” as given in section 3 mean much more than what is suggested when we say that the District Magistrate ought to satisfy himself about certain matters. I beg to differ from him.

Shaikh Muhammad Habib-ullah : I said “is satisfied”.

Mr. Gajadhar Prasad : He has gone still further and said that this is a provision which is more in favour of the goondas than otherwise. I beg to submit that the Hon'ble the Home Member will confer on this House a great favour if he will accept this innocent amendment, because in that case the public will at least have the satisfaction that the District Magistrate has done something more than mere acting on reports, good, bad or indifferent. In these times one thing we must remember is that apart from what the Government officers may do in these particular cases, there are so many parties in every district—political parties, social factions, etc.—and we do not know what aspect a particular complaint may eventually take. So the District Magistrate should be very careful. And in that view of the matter I strongly press that the Government might be pleased to accept the amendment.

Khan Bahadur Hafiz Hidayat Husain : Sir, the object of this Bill is preventive and not punitive. What is really required is that goondalism prevailing at Cawnpore should disappear. Now, Sir, let us consider what would be the effect of my friend's proposed amendment if it is carried. The words of the amendment are “The District Magistrate must conduct a personal investigation before he can start proceedings”. Now suppose a goonda is hauled up, the District Magistrate will have to be summoned before the Judges in order to prove that he has conducted a personal investigation, and once it is found that he has not conducted a personal inquiry doesn't matter what the scope of that inquiry is, the man who has been charged is bound to be let off simply on this score. Not only this, but the personal investigation of the District Magistrate must be superimposed on other inquiries too. These facts will have to be proved as a matter of evidence before proceedings are started. I ask, Sir, if this Act will serve the purpose for which it is meant, if on the very threshold of prosecution a man is discharged because the District

Magistrate has not conducted a personal investigation of the sort required by my friend's amendment. My friend has been all his life a Deputy Magistrate administering the preventive sections of the Criminal Procedure Code. Can he say that this wording, which has been borrowed from the preceding sections of the Criminal Procedure Code, and which has been administered in these provinces as in the rest of India since the year 1882, has given rise to any complaint? The wording there is practically the same as the words employed here. Sections 107, 108, 109 and 110 begin by saying "Whenever it appears to the District Magistrate that" such and such a person is doing this and that the following procedure should be adopted. Now, Sir, here power is not given to the District Magistrate to take the action contemplated by the Criminal Procedure Code, but when the District Magistrate of Cawnpore is satisfied that a person is a goonda he will start proceedings. The District Magistrate will not however, issue a warrant against him or send him to jail, he has only to report to the Government that a certain person comes within the definition of a goonda, and it is optional for the Government to start proceedings against him. The work of the District Magistrate finishes as soon as he reports to the Local Government that a certain person is behaving in a way as to bring him within the definition of a goonda. Then it is for the Local Government to decide whether it shall issue a warrant, and whether it shall appoint Judges. After all these formalities have been gone through and further evidence has been recorded it would be for the Judges to report to the Government whether a certain person is a goonda or not. Therefore, Sir, my submission is that we should not let the proceedings fail on the very threshold and we should not hamper the District Magistrate by asking him to invariably proceed personally by making an investigation. Law and order is going to be a transferred subject in future. Any individual reported by the District Magistrate may or may not be proceeded against by the Minister in charge of law and order and the Minister would be responsible to this House? My submission is that on the whole the person charged is given sufficient safeguards and it is unnecessary to hamper the District Magistrate by asking him to investigate personally before reporting to the Government. I therefore oppose the amendment.

Mr. J. R. W. Bennett: Sir, in my opinion it is implied by the words "Whenever it shall appear to the District Magistrate" that the District Magistrate is satisfied. The words are found, as my friend Khan Bahadur Hafiz Hidayat Husain has said, in the Criminal Procedure Code, and I believe that is their usual implication. It does not mean that the District Magistrate is going to act without any inquiry. It does not mean that he is going to act on an anonymous report or a complaint. He will in the ordinary course make such inquiry as he considers necessary. There is another point in connection with this amendment to which I should like to draw the attention of the House, and that is that if this amendment is carried, the District Magistrate must make personal and other inquiries. The amendment does not say that he must make personal or other inquiries. What it says is that he must make personal and other inquiries, and the result of that would be that the District

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Magistrate in every single case would have to adopt the rôle of a private detective and make inquiries of a personal nature; otherwise there would be no point in making a distinction between "personal" and "other" inquiries.

Babu Ram Bahadur Saxena: I do not want to make any speech, but would suggest an amendment, if permissible. That amendment is that for the words "whenever it shall appear to District Magistrate that any person" the following words be substituted, namely, "whenever the District Magistrate is satisfied that any person".

The Hon'ble the President: Is there any objection to this amendment being moved?

There being no objection the honourable member can proceed with his amendment.

Babu Ram Bahadur Saxena: I have very little to say in support of the amendment. The need for it arose on account of the sharp difference of opinion that my friend's amendment has created in the House. As a matter of fact, it will be too much to expect the District Magistrate to go about making inquiries personally before he takes any action under the Act. I think therefore that some amendment to the proposed amendment is necessary. My amendment is quite comprehensive, and I press it for the acceptance of the House. Similar provision exists in other Acts in India, e.g., the Criminal Procedure Code. When proceedings are taken under sections 109, 110 or any other section of the Code against badmashes, the District Magistrate has to be satisfied with regard to the need for resort to any of these sections. The word "satisfied" I believe occurs there also. Again, when notice is given to a badmash to furnish security for good behaviour for a certain period, the Magistrate has to write in the notice that "I am satisfied", etc., etc. The same procedure may be adopted in regard to the goondas also.

Rai Bahadur Thakur Hanuman Singh: In the amendment proposed by me I do not think that there is anything which may be deemed to compel the District Magistrate to go to the spot to take evidence or to make an inquiry. The goondas reside in Cawnpore or within five miles outside the Cawnpore municipality. So the District Magistrate is always on the spot except when he leaves the city on tour. He is also expected to be acquainted with all the leading men of the town. These leading men often call on him and thus keep him in touch with local topics. In the course of his interviews the District Magistrate can find out from men of standing about badmashes in the city against whom it would be just as well to take action under this Act.

As regards other inquiries, Sir, he can ask the City Magistrate, he can ask the tahsildar, he can ask the naib-tahsildar or any other person, in whom he may happen to have confidence, to find out for him whether a certain person, who has been reported to him to be a goonda, is really a goonda or not. This is such an easy thing for the District Magistrate, which he can do without any trouble to himself.

Reference has been made, Sir, by speakers who have followed me to the Criminal Procedure Code. Any one who is sent up for trial under the Criminal Procedure Code has got a right to be defended by a pleader, to cross-examine the witnesses produced against him. He has a right of appeal, and he can do a good many things to clear his conduct or to defend himself. But here any person who will be arrested and tried is handicapped not in one way but in a good many ways. The liberty of these goondas, or even those who are not goondas but who happen to be in the bad books of the police, is in danger. Therefore this Council when passing this Bill should take every precaution to protect the liberty of individuals and to check free powers of the police. Then it has been said, Sir, that the report will be submitted to the Government, and it is the Government which will decide whether action should be taken against a certain person. Certainly for this very reason it is most necessary that the District Magistrate of Cawnpore should be made more responsible than in any other case, because the Government will take action invariably against the person reported by the District Magistrate on the grounds mentioned in his report. I see no reason why the Hon'ble the Home Member should oppose a very innocent and very fair amendment which has been moved by me. He has been a Nawab, a big landlord for the whole of his life. His experience of the police as a Home Member is very limited. I hope he will try to remember his past experience of the police behaviour. . . .

The Hon'ble the Home Member: Their behaviour is very good.

Rai Bahadur Thakur Hanuman Singh: . . . and then come to the conclusion whether the amendment which I have proposed would give better justice to those who may be reported to the Government for action under this Act. If he comes to this conclusion that the District Magistrate should ascertain for himself the facts upon which he should base his report to the Government, then I hope the amendment will be accepted by him.

The Hon'ble the Home Member: Sir, I am very sorry to submit that I am not in a position to accept this amendment. At the outset I may say a few words to point out that this Goondas Bill is the outcome of the desire of the Cawnpore people—a most popular measure there. If I am not wrong, in the Inquiry Committee it was also said that the Government should enact such a measure. Besides, the sections in the Bill have been taken from the Goondas Act of Bengal, which is a very advanced place, if I may say so, than our provinces, and this Act has been in force there for a very very long time. No objection of this sort has been raised there.

Rai Bahadur Thakur Hanuman Singh: Are we to be guided by what is being done in Calcutta?

The Hon'ble the Home Member: Not at all. But examples are always followed. If the examples are not followed, then there is no need for putting the word "example" in the English dictionary.

Nawabzada Muhammad Liaquat Ali Khan: Even bad examples.

The Hon'ble the Home Member: Certainly not. Anyhow so far as this measure is concerned, the Government has no desire to put it on the statute book, if it is not agreeable to the House or to the people at large. The honourable mover said that my life is very short. Yes, it is quite true but unfortunately there is no measurement on this earth of our's to gauge the length and shortness of our lives.

Rai Bahadur Thakur Hanuman Singh: I said that the life as Home Member is very short.

The Hon'ble the President: Order, order. I have repeatedly said that it is not right to interrupt a speaker.

Rai Bahadur Thakur Hanuman Singh: Sir, that was an explanation.

The Hon'ble the President: But even for that the member in possession must give way first.

The Hon'ble the Home Member: Sir, my submission is a very humble one. If my voice goes high, it is because the hall is notorious for its bad acoustics. Therefore the thing which is fixed there the name of which I don't know (rostrum). With great respects to the Chair and the honourable members my submission is that the experience of my whole life is that we must be cautious, we must be cautious, we must be cautious. We should be cautious against the goondas and we should be cautious against their deeds. Therefore this Bill is here and it is for the benefit of the peaceful and noble gentry of Cawnpore and Cawnpore alone. We have at the outset in the Select Committee endeavoured to make this Bill as safe as possible. As my honourable friend once remarked "Is there any Act in the world which concerns the rogues, badmashes and luchchas and which requires two senior Judges to sit and to make so many safeguards".

I submit that I am very sorry that I do not agree with the honourable mover. I must bring to the notice of the House that the aim and object of this Bill is solely to protect the noble and peaceful citizens of Cawnpore against all the badmashes and luchchas who have given a bad name to that noble city.

The Hon'ble the President: May I know what exactly is the position of the Hon'ble the Home Member with regard to the amendment of Mr. Saxena?

The Hon'ble the Home Member: I am unable to accept that also, Sir.

The Hon'ble the President: I hope the House will kindly follow me in the way of my putting the amendment. I believe this is the first time for most members of this House to discuss a contentious measure of this kind. I hope they will follow me in the way in which I am putting it to the House.

The amendment moved was that in clause 3 of the Bill, for the words "whenever it shall appear to District Magistrate that any person" substitute "whenever after personal and other inquiries the District Magistrate has sufficient reason to believe that any person". Another

amendment has also been moved that for the words in the original Bill the words "whenever the District Magistrate is satisfied that any person", be substituted.

The question is that the words in the Bill as it has emerged from the Select Committee do stand part.

The question was put and agreed to after a division, the voting being. Ayes, 43; Noes 24.

Ayes.

Afzal-ud-din Hyder, Shaikh.
Ahmad Shah, Mr. E.
Anand Sarup, Rai Sahib, Lala.
Awadh Bihari Lal, Rai Bahadur, Babu.
Bennett, Mr. J. R. W.
Bikram Singh, Rao Bahadur, Thakur.
Blunt, The Hon'ble Mr. E. A. H.
Brij Lal Padwar, Rai Bahadur Babu.
Canning, Mr. F.
Clay, Mr. J. M.
Desanges, Mr. H. C.
Dunn, Lt.-Col. C. L.
Ejaz Rasul Khan, Raja Muhammad.
Fasih-ud-din, Khan Bahadur, Maulvi.
Habibullah, Khan Bahadur, Maulvi Saiyid.
Habibullah, Shaikh Muhammad.
Hadiyar Khan, Khan Sahib, Muhammad.
Hidayat Husain, Khan Bahadur, Hafiz.
Hollins, Mr. S. T.
Imtiaz Ahmad, Muhammad.
Jafer Hosain, Khan Bahadur, Saiyid.
Jamshed Ali Khan, Captain Nawab Muhammad.

Jwala Saran Kothiwala, Sahu.
Knox, Mr. K. N.
Lane, Mr. H. A.
Mackenzie, Mr. A. H.
Macleod, Mr. R. D. W. D.
Maqsood Ali Khan, Khan Sahib, Muhammad.
Mason, Mr. P.
Mehta, Mr. V. N.
Muhammad Yusuf, The Hon'ble Nawab.
Muzammil Ullah Khan, Nawab Sir Muhammad.
Nisarullah, M.
Oppenheim, Mr. E. F.
Pratap Bhan Singh, Rao Bahadur, Thakur.
Rama Charana, Rai Sahib, Babu.
Sathe, Mr. J. N. L.
Shakirdad Khan, Sirdar Muhammad.
Srivastava, The Hon'ble Mr. J. P.
Srivastava, Mrs. J. P.
Suraj Din Bajpai, Rai Bahadur, Pandit.
Teven, Mr. C. St. L.
Vikramajit Singh, Rai Bahadur, Babu.

Noes.

Ahmad Ali Khan Alvi, Raja Saiyid.
Baldeva, Chaudhri.
Bhondwa, Mr.
Brahma Dutt, Pandit, *alias* Bhaiya Sahib.
Brijnandan Lal, Mr.
Dahari, Mr.
Dhirya Singh, Chaudhri.
Fazlur Rahman Khan, Khan Bahadur Maulvi Muhammad.
Gajadhar Prasad, Babu.
Ghasita, Chaudhri.
Giriraj Singh, Thakur.
Hanuman Singh, Rai Bahadur, Thakur.

Jagbhan Singh, Kunwar.
Joti Prasad Upadhyaya, Pandit.
Krishna Pal Singh, Rao.
Manmohan Sahai, Rai Sahib Lala.
Muhammad Ali, Chaudhri.
Perna, Mr.
Prem Ballabh Belwal, Pandit.
Rajeshwar Bali, Rai.
Ram Bahadur Saksepa, Babu.
Ram Chandra, Chaudhri.
Ram Pal Singh, Thakur.
Tappa, Mr.

The Hon'ble the President: The two amendments need not therefore be put to the House.

Clause 3 was ordered to stand part.

The Council was adjourned at 1.30 p.m. for lunch.

After recess the House re-assembled at 2-15 p.m. with the Deputy President in the chair.

CLAUSE 4.

4. (1) On receipt of the report of the District Magistrate the Local Government may make an order for the issue of a warrant for the arrest of the person against whom the report has been made.

Issue of warrant on receipt of report.

(2) The warrant shall be in such a form as shall be prescribed by the Local Government by notification in the *United Provinces Gazette*, and shall be issued by a Secretary to the Local Government and shall contain a statement of the heads of the charges made against such person in the report, and shall further require such person to submit by petition to the advising Judges appointed under sub-section (1) of section 5 by such date as may be specified in the warrant any representation that he may desire to make.

(3) The officer by whom such warrant is issued shall have---

(i) for the enforcement of the attendance of the person, against whom the warrant is issued, at such place and at such time or times as may be specified therein (and thereafter as such officer may direct) in order to communicate to such person the final order of the Local Government made under section 6; and

(ii) for the forfeiture, under section 514 of the Code of Criminal Procedure, 1898, of any bond, executed for the attendance of such person at such place and at such time or times all the powers of a District Magistrate under the Code of Criminal Procedure, 1898; and the warrant shall, for the purposes set forth in clauses (i) and (ii) be deemed to be a warrant issued by a District Magistrate, for the arrest of such person to answer a charge in respect of a bailable offence committed by him within the jurisdiction of such Magistrate, and such person, in default of sufficient security being furnished, may, unless such officer otherwise directs, be detained in custody until the final order of the Local Government under section 6 is communicated to him.

Rai Bahadur Thakur Hanuman Singh: I beg to move that in clause 4(2) between the comma and the word "and" in line 5, insert the following words: "a copy of which shall be supplied to the person arrested by the officer charged with the execution of the warrant". The section as it stands in the Bill does not provide expressly that a copy of the charges against the person arrested should be supplied to him and I have moved this amendment with a view to supply the omission which appears to me to have been made in the Bill. It is only fair that at the time of the arrest, a copy of the charges against the person arrested should be supplied to him. In the proceedings under section 110 of the Criminal Procedure Code, it is expressly provided in the Act that a copy of the charges against the accused should be supplied to him by the officer entrusted with the execution of the warrant of arrest. In this case too, Sir, it is only fair to the arrested person that he should immediately after the arrest get a copy of the charges from the officer executing the warrant.

Shaikh Muhammad Habib-ullah: Sir, the section as it stands after having come out from the Select Committee runs thus: "The warrant shall be in such a form as shall be prescribed by the Local Government by notification in the *United Provinces Gazette*, and shall be issued by a Secretary to the Local Government and shall contain a statement of

the heads of the charges made against such person in the report, and shall further require such person to submit by petition to the advising Judges appointed under sub-section (1) of section 5 by such date as may be specified in the warrant any representation that he may desire to make". What my friend here wants is really embodied in the section itself. I do not know why my friend has brought this amendment for supplying a copy of the charges to the person arrested. Under section 110 a separate copy of the order is submitted because the warrant does not contain all these particulars. Here a statement of the charges will be embodied in the warrant itself. What more does the man want? Should we tell him "look here, on receipt of information from Khan Bahadur Hafiz Hidayat Husain and so and so the District Magistrate has reported to the Government, and the Government has considered the evidence sufficient and has issued this warrant against you"? Is a goonda to be treated in this fashion? If he is to be treated in this fashion, then the lives of many men would not be worth living. What my friend wants is that the accused should be informed of the charges, of the substance embodied in the charge sheet, and I think I must congratulate the committee which remodelled this section and have sent it in this form. I do not think that it is at all necessary to give him a separate copy of the orders. I do not really know what my friend means, but the warrant itself is clear and he will know quite well the charges from the statement showing how the charges have been framed against him and why he has been arrested, and what he will have to do when he goes before the Judges. He may be given a copy of the warrant.

The Hon'ble the Home Member: We don't object to give him a copy of the charges that have been framed against him. Our only objection is to giving a copy of the report in which all sorts of confidential things are contained about the person arrested, which we must not in any way give out, because the lives of many people will be in danger. About giving a copy of the charges, I do not think we are opposed to it.

The Deputy President: Do I take it that you accept the amendment?

The Hon'ble the Home Member: We do not accept the amendment. We only accept to give a copy of the charge.

Mr. Brijnandan Lal: I rise to a point of order. Copy of the report is not wanted.

The Deputy President: The amendment refers only to a copy of the warrant.

Mr. J. R. W. Bennett: Sir, when we first read the amendment we were certainly of opinion that the honourable member moving it wanted a copy of the report. I am still of opinion that that interpretation is the most natural interpretation. The section as amended will read: "The warrant shall be in such a form as shall be prescribed by the Local Government by notification in the *United Provinces Gazette*, and shall be issued by a Secretary to the Local Government and shall

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contain a statement of the heads of the charges made against such person in the report, a copy of which shall be supplied to the person arrested by the officer charged with the execution of the warrant. . . .” the word “copy” can refer only to the report. At any rate it would be ambiguous if the amendment is carried as it stands.

Rai Bahadur Thakur Hanuman Singh: Sir, my intention in moving this amendment is that the copy of the charges should be supplied, and if the amendment be accepted by the Hon’ble the Home Member, I think it will not mean that the copy of the report but a copy of the warrant, which should contain the heads of charges. If the Hon’ble the Home Member makes any amendment to my amendment, so that it may mean only the copy of the heads of the charges, I will accept it very willingly.

The Hon’ble the Finance Member: I should like to point out that the warrant contains the heads of the charges. Consequently if a copy of anything is to be given it will be a copy of the warrant. So far as the amendment is concerned, I think the best thing would be to insert “warrant” after the word “which”. The amendment will then read “a copy of which warrant shall be supplied”

The Deputy President: The amendment moved was that between the “comma” and the word “and” in line 5 insert the following words: “a copy of which shall be supplied to the person arrested by the officer charged with the execution of the warrant”. Since then another amendment has been moved that “a copy of which warrant shall be supplied to the person arrested by the officer charged with the execution of the warrant”.

The question is that in line 5 between the “coma” and the word “and” the following be added:—

“a copy of which warrant shall be supplied to the person arrested by the officer charged with the execution of the warrant”.

The question was put and agreed to.

The Deputy President: The question is that clause 4 of the Bill as amended stand part of the Bill.

The question was put and agreed to.

CLAUSE 5.

5. (1) After issue of the warrant under section 4, the Local Government shall forthwith cause the report of the District Magistrate, with all material facts and circumstances in their possession relevant to the same to be placed before two advising Judges, of whom one shall be the District and Sessions Judge of Cawnpore and the other a *Sessions Judge or Additional Sessions Judge of the Cawnpore sessions division*.

(2) The advising Judges shall consider in camera the report and the other facts and circumstances, if any adduced before them by the Local Government, and any representation submitted to them by the person:

against whom the report has been made within the time fixed by section 4 or such further time as they may allow, and shall call, for such further information, if any, and may examine such witnesses, if any, as shall appear to them to be necessary to enable them to tender their advice on the report. They shall also give to the person against whom the report has been made, if he so desires, an opportunity of appearing in person before them to offer his explanation, and may, at the instance of that person, require the attendance of any other person whose statement may support that explanation. *The Judges shall have discretion to record any evidence in the absence of the person against whom the report has been made and in this case the substance of such evidence shall be communicated to him before he is given an opportunity of offering his explanation under this sub-section :*

Provided that—

- (a) nothing in this section shall be deemed to entitle the person whose case is before the advising Judges to be represented before them by pleader, nor shall the Local Government be so entitled;
- (b) the advising Judges shall not disclose to the person in question any name the communication of which might endanger the safety of any individual; and
- (c) the advising Judges shall not be bound to observe the rules of evidence and shall not permit the putting of any question which may endanger the safety of any individual.

(3) Any statement made to the advising Judges by any person other than the person whose case is before them shall be deemed to be information given to a public servant within the meaning of section 182 of the Indian Penal Code, and the advising Judges shall, for the purpose of securing the attendance of any person under the provisions of sub-section (2), have all the powers of a District Magistrate under the Code of Criminal Procedure, 1898.

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(4) When the advising Judges have reached their conclusions they shall report the same in writing to the Local Government.

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(5) If the person whose case is under their consideration claims, when submitting his representation or when appearing before the advising Judges, that both he and his father were born in the United Provinces, or that he is a member of a family which has definitely settled in the United Provinces and is himself so settled, the advising Judges shall give him an opportunity of establishing his claim and shall also give to the District Magistrate an opportunity of rebutting the same, and at the time of submission of their report to the Local Government shall record their opinion as to whether such person has established his claim.

Rai Bahadur Thakur Hanuman Singh: Sir, I beg to move that in clause 5(2) in line 12 after "fullstop" the following shall be inserted:—

"No police officer shall be permitted to remain in the building in which the judges be sitting when the statement of such person be recorded and a statement so recorded should not be permitted to be perused by any police officer."

Rai Bahadur Thakur Hanuman Singh.]

Sir, from sub-clause (2) of clause 5 it appears that the names of those persons who give evidence against the person to be prosecuted will not be made known to him, because if he comes to know the names of those persons who give evidence against him, he would molest them. In the same way I want that the names of those persons who appear before the tribunal should not be disclosed to the police, because it is very likely that the police in their turn would molest them after the proceedings are over. It is a well-known fact, Sir, that those witnesses who appear in court in connection with proceedings under section 110 of the Criminal Procedure Code, to give evidence in defence of the person prosecuted under that section, are very much harassed by the police. I personally know cases in which persons, who gave evidence for defence, were brought on the register maintained by the police showing that they were persons with bad livelihood, and it was with great difficulty that the names of such persons were removed from the police register. Sir, it is an ordinary thing to harass a person who gives evidence in favour of a person who is challaned by the police. So it is for the safety and protection of those persons that I want this amendment and I hope it will be acceptable to the Hon'ble the Home Member. It is quite fair that when prosecuting witnesses are not to be made known to the person arrested, the names of the defence witnesses should also not be made known to the police.

Shaikh Muhammad Habib-ullah: If my friend the mover of the amendment means the police in general, then I certainly oppose his amendment, but if he means that only the officer entrusted with the investigation of the case should not be told the names of the defence witnesses, then it is a different matter. But in this matter the Judges, who will be sitting to hear what the goonda's explanation is and what his friends have to say, ought to have some sort of protection or a police guard to guard them, and we cannot possibly exclude the whole police from the place of tribunal, which is sitting in judgement and trying to ascertain whether the man, who is being prosecuted, is or is not a rogue. If my friend wants to exclude the police as a whole certainly I am against it, but if he wants to exclude any such element as may affect or prejudice the proceedings, I would support him. I would not mind the exclusion of the investigating police. That is my point. I would, therefore, oppose the amendment on that ground.

Babu Ram Bahadur Saksena: I rise to support the amendment moved by my friend Rai Bahadur Thakur Hanuman Singh. We find from clause 5(2)(b) that a person so arrested will not be entitled to know the names of the persons who gave the information which resulted in proceedings against him. In these circumstances it is only fair that the police which naturally must be in charge of such proceedings should not be allowed to know the names of the persons whom such person may want to produce in defence. It is a matter of common experience that in cases like those of bad livelihood under the Criminal Procedure Code and other kindred cases in which the police are supposed to be personally interested, people who come forward as defence witnesses for the persons who have had the misfortune of being run

in under those preventive sections, incur the greatest displeasure of the police officers, who challan such cases, and that such persons are greatly inconvenienced afterwards in dealing with the police. The fear that their names might be known to the police, may keep many desirable persons from coming to give evidence in such cases. All sorts of precautions have been taken to ensure that the persons proceeded against should not know the names of the persons who give evidence or supply information against him. I would again submit that it is only fair that his opponent also or those in charge of the investigation should not be allowed to know the names of the persons who may give evidence for him.

In a speech that was made just now, it was said that some sort of protection would be necessary for the Judges who would be sitting to consider the case of the person proceeded against. Certainly some protection would be necessary, but will that protection be afforded by the police and the police alone is a question which has to be seriously considered. The magistrates who record the confessions of murderers, *viz.*, those persons who have committed murders and been arrested by the police red-handed, have no police protection provided for them. Such persons are put before the Magistrates and the law provides that at the time when such a confession is being recorded no police officer, whether he is in charge of the investigation or not, shall be present. There are a series of rulings of the Hon'ble the High Court in which it has been repeatedly held that if any police officer, is found to be present at the time of the recording of the confessions, such confessions in spite of the fact that they were recorded by a Magistrate, are invalid and not to be relied upon by the trying courts. What the Magistrates do in these circumstances is, that they put the police officers outside the places where they record the confessions. Generally, such confessions are recorded in jails, but even if that is not so, police constable, sub-inspectors and all police people are excluded from the room in which the Magistrate records the confession and the man is put in charge of an orderly, peon or any other suitable person who may be present there. If these Magistrates, who deal with murderers, etc., can do without police protection, certainly the advising Judges, who will deal with goondas only should not want it. I should, therefore, think that it would be quite enough protection for the Judges who would be looking into the case of such a man if some person or persons other than a member of the police force were put in charge of the man proceeded against.

With these words I support the amendment of Rai Bahadur Thakur Hanuman Singh.

Mr. Ali Zaheer : Sir, I very much regret that I am not in agreement with the amendment which has been moved by Rai Bahadur Thakur Hanuman Singh. My reasons are briefly these. We are aware that in police prosecutions which are held every day, if the person has got to produce defence witnesses, he does produce them in the presence of the opposite party in spite of the fact that the police is present. These witnesses come and give evidence. They certainly on certain occasions

Mr. Ali Zaheer.]

suffer for this, but all the same I do not think it can seriously be suggested that the check which is placed upon them by the police is so great that any witnesses who would have been willing to come would be deterred by the fact that they will have to give their statements in the presence of the police; and if that is the state of affairs then I do not see why should any special arrangements be made to keep away the police at a time when these people have got to tender their evidence before the Judges. The two Sessions Judges who have been provided for to sit and determine such cases would, I believe, be independent people. If a witness has got any fears he can certainly put his application before them and ask the Judges to give him any protection at that time or subsequently that they should not be harassed. Besides, Sir, I think, the very essence of such justice is that the evidence which is produced should be completely sifted by the other party. Now it is true that no lawyer will be able to point out mistakes. If the police officer is present there, he can certainly point out certain flaws or defects or certain misstatement of facts which the man who is giving evidence may make before the Judge. The Judge will not be in a position to find out whether the statement which is being given before him is a true or false statement unless some man of the opposite party is there who can cross-examine the witness in accordance with the provisions of the Criminal Procedure Code or the Indian Evidence Act. He can certainly point out misstatement of facts which the witnesses might be making or bring forward certain other matters to meet the evidence so given. It is certainly wrong that there should be no one to test the testimony of the witnesses or to challenge their statements. I think that if the object of those who have brought forward this amendment is to sweep these bad character people out of the city, then the police should be allowed to be present there not only for the purpose of protecting the Judges but actually for the purpose of cross-examining and sifting the evidence of the witnesses who are produced before the Judges. The Judges cannot be in a position themselves to find out unless they are supplied with the materials by which the truth or otherwise of the statements that are made before them. Similarly that accused will be there. He can also challenge any statements which are made on behalf of the police and so forth. In my opinion therefore both the parties should be present when the case is being tried by the Judges and that is the only way in which justice can be done. I therefore oppose this amendment.

Khan Bahadur Hafiz Hidayat Husain: In speaking on the amendment moved by my friend Rai Bahadur Thakur Hanuman Singh I wish to advance only two propositions. The first is that the Goondas Bill when passed into law would not override the provisions of the Criminal Procedure Code under which the trying Magistrate or Judge has discretion to order out any police officer who has taken part in the investigation of a crime. Therefore the police officer who has investigated the case against a goonda and is present in court, may competently be required by the Judges trying the case to leave the court room. This proposed amendment is divisible into two parts. The

first part says that no police officer shall be permitted to remain in the building in which the Judges are sitting, and secondly that statements recorded for the defence shall not be permitted to be seen by any police officer. Let us take these parts one by one. In the first place I am sorry that my friend the mover should entertain that amount of suspicion which he entertains against the police as a whole, for according to him, any proposal, however conducive to the welfare of the people, must be condemned outright simply because the police have a hand in the matter. I am not prepared entirely to subscribe to this theory of my honourable friend. For others there may or may not be reasons for this suspicion but I hope the Inspector-General of Police who is present here will do his best to see that this stigma on the police disappears. Having said this, I am not prepared to say that it would be in the interests of justice or in the interests of efficient administration of this Bill when it becomes law to invariably order the police out. For reasons, firstly that there will be no protection to the Judges themselves when they are trying a case and secondly because as my friend Saiyid Ali Zaheer said, it may be necessary to supplement the statements for defence recorded by the Judges. The second part of the proposed amendment is that statements recorded for the defence should not be seen by any police officer either charged with investigation of the case or not, that the Police should have no opportunity of seeing the statements and if possible of controverting them. This is certainly going too far. There is no rule of law which prevents the prosecuting authority or officer to peruse the statements made before a Magistrate even in badmashi cases which come under clause 3 of section 110, Criminal Procedure Code. That being so, this Bill being also of a preventive character there seems to be no reason why we should restrict the provisions of this Bill in order to make it nugatory. If these were to be the limitations of this Bill I think the best thing would be not to have any law on the point at all. I, therefore, oppose both the parts of this amendment of Rai Bahadur Thakur Hanuman Singh.

The Hon'ble the Home Member: I will not go any farther—my honourable friends have already said quite enough about this matter. I would, however, draw the attention of the Council only to one thing and that is that the amendment contains the word "building".

The word "building" may mean anything; it may mean a room or it may mean the whole building. The word "building" has such a wide meaning, that no one can even think of keeping the police people out of the whole building. It has been said that there are several rulings of the High Court prohibiting police officers from being present when a confession is taken. But Sir, the procedure here is not that of taking a confession from goonda. The procedure is the usual one. The prosecuting police will not be the same as those who have challaned these men. It has been said that protection is not needed in the Judge's court. Sir, if no protection is given, the result is obvious. We know, Sir, that so many poor Judges and others have been shot down. I think Government should be wise if they adopt measures to protect not only the Judges but also the witnesses who come

The Hon'ble the Home Member.]

to give evidence and the police who challan these cases. These are not the ordinary criminal cases; these are goonda cases. If they know that certain person has given some clue against them if they may not be shot by him or his friend goonda they will certainly be beaten in the street or their noses will be cut off. So we must protect these poor people. This is the whole spirit of this section, and in fact, of the whole Bill—that we want to protect the peaceful citizens of Cawnpore as well as the police, the witnesses and also the Judges. If some people here are so much afraid of the police, then why should Cawnpore people not be afraid of the goondas? If they want to be protected from the police why should they not be protected from these goondas? As I submitted before, the spirit of the whole Bill is to protect the peaceful citizens of Cawnpore and to give the goondas as much facility as possible—we give them two Judges and we are making Government the final authority in this matter. With this submission, Sir, I say that this amendment is such a vast one, that it is impossible for us sitting on this side of the House to accept it.

Rai Bahadur Thakur Hanuman Singh: Sir, before replying to the honourable members who have spoken after me I wish to rep'y first of all to the Hon'ble the Home Member. He has said in his speech that every facility has been given to the goonda whose case may be before the Judges and so there is no need for any other facility for him—for the protection of the witnesses who may appear to give evidence in his defence. I would like to know why in the section which follows a goonda has not been given the privilege of being represented by a pleader. The Hon'ble the Home Member would say that the Government too has not been given the right to be represented by any pleader, but I presume, Sir, that the Government has a right to be represented before the Judges by the prosecuting inspector who is as good as a criminal lawyer. He is a trained man to conduct criminal cases while the privilege of arguing or leading evidence before the Judges has been taken away from the goonda. Is it fair, Sir, that such a handicap should be placed in the way of the person who may be prosecuted and so many facilities should be given to the prosecuting side? This Council sits here to legislate laws that should be fair to either party. Will it be fair that a criminal should be deprived of certain rights which under the ordinary law he can enjoy and the Government should be allowed the same privileges in the prosecution of that person under this Bill which it enjoys under the ordinary law?

The Hon'ble the Home Member: I think we are discussing the presence of the police in the building and not any procedure.

Rai Bahadur Thakur Hanuman Singh: I am speaking on the same point, Sir. Mr. A'i Zaheer has spoken at length but I venture to say that he has not given as a lawyer his full consideration to all the sections of the Bill. Had he given his thought to all these sections his speech would have been quite different from what it has been. He has said that in badmashi cases the witnesses are not deterred while in goonda cases the witnesses would be deterred. Does my honourable friend

know how many more witnesses would be willing to depose in defence of the persons challaned under preventive sections if the police did not coerce and threaten them before giving evidence? I venture to say that not only the ordinary persons who give evidence in defence of the accused are molested by the police but even respectable men enjoying high position in life are molested in one way or the other and the police makes notes in their diaries and persuades the superintendents of police to permit them to enter their names in the register of bad characters which is kept in the thanas. This is no secret to anybody. He has said that Judges would be independent persons. Certainly they would be independent persons. But I submit that until the case from the point of view of the defence is not properly placed before them, they would not be able to come to a correct decision. The decision would be one-sided. Then there is the fact that there would be no protection to the witnesses who would appear for the defence against the highhandedness of the police. I presume that the prosecuting inspector would be in attendance in court, with the result that while he would be in a position to suggest to the Judges the questions which should be put to the witness, the accused himself would be deprived of all legal assistance in the court. Mr. Ali Zaheer also stated that the police officer present would place before the Judges the point of view of the prosecution, but would place points for the accused? He has also said that the goondas are a very powerful people, but may I inquire from him whether they are more powerful than the police? The police can force any person to appear before the Judges to give evidence in the case.

Khan Bahadur Hafiz Hidayat Husain said my amendment amounted to stigmatising the police. Well, everybody knows in what respect the police is held by the public, and that the public is suspicious of the police. And if outside this House I may approach my friend from Cawnpore and ask him, he will agree with me in what I am saying here openly. As the right of knowing the names of witnesses for prosecution has been taken away from the accused, so the names of those persons who may appear as defence witnesses should not be disclosed to the police, and the law should be so framed that the accused might get under the law much more facility than what is provided here to defend himself and to clear his conduct.

The Deputy President: The amendment moved is that in line 12 after fullstop insert the following:—

“No police officer shall be permitted to remain in the building in which the Judges be sitting when the statement of such person be recorded and a statement so recorded should not be permitted to be perused by any police officer.” The question is that this amendment be made.

The question was put and negatived after a division, the voting being Ayes 15, Nots 45.

Ayes.

Baldeva, Chaudhri.
Brijnandan Lal, Mr.
Dahari, Mr.
Gajadhar Prasad, Babu.
Ghasita, Chaudhri.
Hanuman Singh, Rai Bahadur, Thakur.
Jagbhan Singh, Kunwar.
Joti Prasad Upadhyaya, Pandit.

Muhammad Ali, Chaudhri.
Perma, Mr.
Prem Ballabh Belwal, Pandit.
Rajeshwar Bali, Rai.
Ram Bahadur Saksena, Babu.
Ram Chandra, Chaudhri.
Ram Pal Singh, Thakur.

Noes.

Afzal-ud-din Hyder, Shaikh.
 Ahmad Shah, Mr. B.
 Ali Zaheer, Syed.
 Anand Sarup, Rai Sahib, Lala.
 Awadh Bihari Lal, Rai Bahadur, Babu.
 Bennett, Mr. J. R. W.
 Bikram Singh, Rao Bahadur, Thakur.
 Blunt, The Hon'ble Mr. E. A. H.
 Brij Lal Badhwar, Rai Bahadur.
 Canning, Mr. P.
 Clay, Mr. J. M.
 Desanges, Mr. H. C.
 Dunn, Lt.-Col. C. L.
 Fasih-ud-din, Khan Bahadur, Maulvi.
 Habib-ullah, Khan Bahadur, Maulvi, Saiyid.
 Habibullah, Shaikh Muhammad.
 Hadiyar Khan, Khan Sahib, Muhammad.
 Hidavat Husain, Khan Bahadur, Hafiz.
 Hollins, Mr. S. T.
 Imtiaz Ahmad, Muhammad.
 Jafer Hosain, Khan Bahadur, Saiyid.
 Jamshed Ali Khan, Captain Nawab Muhammad.
 Jwala Saran Kothiwala, Sahu.

Knox, Mr. K. N.
 Lane, Mr. H. A.
 Mackenzie, Mr. A. H.
 Mackend, Mr. R. D. W. D.
 Maqad Ali Khan, Khan Sahib, Muhammad.
 Mason, Mr. P.
 Mehta, Mr. V. N.
 Moti Lal Bhargava, Pandit.
 Muhammad Yusuf, The Hon'ble Nawab.
 Muzammil ullah Khan, The Hon'ble
 Nawab Sir Muhammad.
 Nazar Husain, Shah.
 Nisarullah, M.
 Oppenheim, Mr. E. P.
 Pratap Bhan Singh, Rao Bahadur, Thakur.
 Sardar Singh, Rao Bahadur, Kunwar.
 Sathe, Mr. J. N. L.
 Shukirdad Khan, Sardar Muhammad.
 Srivastava, The Hon'ble Mr. J. P.
 Suraj Din Bajpai, Rai Bahadur, Pandit.
 Teyen, Mr. C. S. L.
 Tika Ram Misra, P.
 Vikramajit Singh, Rai Bahadur, Babu.

Mr. Brijnandan Lal: Sir, I beg to move that proviso (a) of sub-clause (2) of clause 5 be deleted. I am against the exclusion of lawyers. It is a matter of regret to me that the lawyer members of Cawnpore who were on the Select Committee did not oppose this. I do not know what was at the back of the mind of the Select Committee when it retained this provision. Either it thought that lawyers would be an obstacle in the way of the administration of the law or they thought that on account of lawyers the proceedings might be delayed. So far as the first point is concerned, instead of being an obstacle lawyers would have been a help. If there are no lawyers to help the accused, there may be a great injustice. So far as delay is concerned, the Bill does away with the Evidence Act; it does away with the Criminal Procedure Code to a very great extent and statements of the witnesses also may sometimes be taken in the absence of the accused. So practically there is no danger of delay if lawyers are present. If this Council needs a lawyer President a lawyer Deputy President, to guide its deliberations so ably, certainly it needs a lawyer to interpret the law that it enacts. Even a thief or a murderer is entitled to the aid of a lawyer. Why should a goonda be deprived of it? All the members have been talking as if that the accused should be prejudged to be a goonda. As a matter of fact the report of the District Magistrate with all material facts would be placed before two advising Judges and it will be a question for them to determine whether a person is a goonda or not. There is no use drawing a red-herring by saying that this is a Bill for goondas. It is for the Judges to decide whether a particular person is a goonda or not. It is likely an innocent man may be hauled up. So you have to provide all kinds of safeguards when such criminal laws are enacted. I think the prosecuting inspector will be allowed to appear on behalf of the Government. It is only fair that the lawyers should be allowed to represent the accused. With these few words I move the deletion of this proviso.

Rai Bahadur Babu Vikramajit Singh: Sir, my honourable friend in moving his amendment has specially referred to the lawyer members from Cawnpore who were on the Select Committee, and being one of them I consider it my duty to explain the position and in doing so I also oppose his amendment. This is a very special measure that is being enacted to meet the special situation. We all know that every criminal ought to have an open trial. We all know that he ought to have an opportunity to get himself represented by a lawyer. But this Bill does not give an open trial to a goonda, and it was considered necessary that there should be no open trial, but that another kind of procedure ought to be adopted in order to reach those people who were considered to be dangerous to the society at large. This is the reason why the special measure has been placed before the House for acceptance. It is not really a trial which is being given to the alleged goonda, but it is really an in-camera proceeding which is going to be adopted. Certain checks have been placed upon it, *viz.*, that the district authorities will receive the information from reliable sources. They will check that information and send it on to Government. The Government will check all this information and then send it to the advising Judges who will sift the evidence that will be communicated to the Judges through this medium and the Judges will have further opportunity of calling for evidence that may be necessary and give an opportunity also to the goonda to represent his case and to mention any witness whom he wants to produce. If it had been an open trial then the Select Committee would not have recommended the Bill in this shape and would not have said that the pleaders on either side should not appear. My honourable friend thinks that the prosecuting inspector will be there, but the lawyer for the goonda will not be there. I think he is wrong. The prosecuting inspector will have no right to be there, the proceedings will be entirely in camera and the advising Judges will be the authority on the subject in sifting the evidence and forming an opinion after due consideration whether the man is a goonda or not. The Bill, no doubt, gives very ample powers to the authorities and if rightly used it is believed that it will be a blessing to Cawnpore. It was for these reasons that the provisions were put. It is framed on the model of the Calcutta Goondas Act, and it was not thought necessary that the lawyers on both sides should be present, because there will be no trial, it will be only examining the evidence with a view to come to a decision whether the Act should or should not be applied to the person charged. It is not a case where the parties can produce evidence and will have an open trial. Therefore it should not be considered that the lawyer members who were on the Select Committee were not conscious of the fact that in not providing pleaders they were in any way hampering any party. There were three members from Cawnpore on the Select Committee, *viz.*, Rai Bahadur Babu Awadh Behari Lal, who has been a Magistrate all his life, and who was a senior Magistrate now retired; Khan Bahadur Hafiz Hidayat Husain and myself. We were all of the opinion that it was not necessary to allow parties to be represented by pleaders because that will be unnecessary and will complicate matters. What is really wanted is that all the information by both the parties should be placed before the advisory Judges. The

Rai Bahadur Babu Vikramajit Singh.]

Judges in this case are experienced people, one District and Sessions Judge and another Sessions Judge in the same division. It is believed that they will be in a position to form impartially their opinion. But the whole case is that it is not a trial it is only a sifting of evidence in which pleaders are not wanted. The evidence is not produced in a manner in which it is produced in an open court. I therefore support the provision of the Bill as it stands.

Rao Bahadur Kunwar Bikram Singh: Sir, my feeling is that there is some controversy on this point, which has however, been made clear from the arguments put forward and explained to this House so elaborately and ably by the previous speaker, Hon'ble Rai Bahadur Babu Vikramajit Singh.

It has been just said, and it is quite true, that certain unfortunate occurrences in Cawnpore have necessitated the Government, at the special request and circumstances of Cawnpore citizens, to introduce this Bill and get it passed by the House. Law-breaking people of course deserve very little sympathy for which this act is intended. The horrified occurrences in Cawnpore as they were, simply justify the passage of this Bill into law. The lawyers of Cawnpore, as were referred to by my friend Mr. Brijnandan Lal, are in fact making a personal sacrifice for they will surely be deprived of appearing in court to defend the goonda. This sacrifice is of greater value for they desire peace, harmony and goodwill for the citizens of Cawnpore. The point to which the House must pay special attention and give its very serious consideration, to my mind, is that the House must take advantage of the valuable personal experiences, which, of course, were sad enough, of Rai Bahadur Vikramajit Singh Sahib and Khan Bahadur Hafiz Hidayat Husain Sahib. If they were not victims, they were very near to become victims of the past horrible situation in Cawnpore. We have above all the very valuable experience of our Venerable Home Member. It is needless to say that I must have studied the Bill and gone very carefully into it and I see no reason why there should be any apprehension that any sort of injustice will be done to the goondas of Cawnpore if they deserve a check. With these words, I should think and personally feel convinced that it would be simply fair that the House should respect and take advantage of the personal feelings of the honourable members from Cawnpore. Of course, the law-loving people and peaceful citizens of Cawnpore have no occasion whatever to fear this Act, and as such I really see no reason why we should not agree to the suggestions of the honourable members from Cawnpore whom we have just so patiently heard. I hope and pray this that this Act may bring peace and prosperity to the big city of Cawnpore.

The Deputy President: I think it would avoid a repetition of the same argument and save the time of the Council if the amendment of Rai Bahadur Thakur Hanuman Singh is moved as an amendment to the amendment which we are considering.

Rai Bahadur Thakur Hanuman Singh: Sir, I beg to move that proviso (a) be deleted and for it the following be substituted:—"The person whose case be pending before the advising Judges may be represented before them by pleader and so the Local Government may also engage pleader to represent it".

Sir, it is a well-known adage that even a dog before it is hanged is given a fair trial. What has been urged against the employment of pleaders either by the accused person or by the Government is this that this is a summary trial. Well, it is a summary trial no doubt, but a *goonda* will generally be an illiterate man not knowing anything about law. He will not be able to put his case himself before the Judges, as the prepared case by the Police or the District Magistrate will be before them. For the sake of helping him to prove his innocence, it is very fair that he should be given a right to engage a pleader to represent himself. The evidence which he will produce and the evidence which the District Magistrate or the Police will produce before the Judges will be argued and sifted by the pleader and then the Judges will be in a better position to fix the guilt against the person or to find him innocent. [At this stage the Hon'ble the President took the Chair at 3-28 p.m.]

I may refer here that the country has been crying hoarse that the detenus in Bengal should be either set free or they should be tried. What they want is that anybody who is detained or who is deported should be given a chance to clear his conduct, and if the tribunal finds him guilty the country as well as the accused person will feel satisfied that the accused was punished after a fair trial. Those who are real culprits, those who are real *goondas*, nobody can have any sympathy with them, but when a law is in force, it is just possible that the investigating officer or the executive authority may by mistake or for some other reasons send up a person who may be really innocent. It is for the sake of such persons that this House should make provisions in the Act, so that they may be in best position to defend. It is for this reason, Sir, that I move the amendment.

Shaikh Muhammad Habib-ullah: Sir, there are two amendments, and they are both allied and alike. By the first amendment it is suggested that the clause relating to the engagement of pleaders should be altogether deleted, thereby meaning that there should be no prohibition against the engagement of lawyers in such cases. The other is an affirmative suggestion, saying that both the Government as well as the accused should have a right to represent by means of an advocate or pleader. It appears to me, Sir, that there is some misconception about the genesis of this Act. It is understood that it is a sort of criminal law, something on the lines of the Indian Penal Code in order to try certain kind of crimes or criminals. Well, Sir, I have not been engaged in either framing the Bill or in revising it during the select committee stage. I have read the Bill as it stands and I find that it is nothing of the sort. If we call it a Bill of the nature of the Indian Penal Code, we may call it the miniature Penal Code or the Criminal Procedure Code or Evidence Act of Cawnpore, but in my opinion it is

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nothing of the kind. The Bill simply provides for power to be given to the Local Government against a certain class of persons who are a danger to the peace and tranquillity of the people of Cawnpore. The whole of the Bill is this. Then there is the question of procedure which should be adopted. The Bill will only enable the Government to obtain correct information and then they can use their executive powers to get rid of these goondas. This is the whole sum and substance of the Bill. The information starts from the District Magistrate and comes to the Local Government. The Local Government may send it to two judges. They will make such inquiries about the person concerned as they can, having due regard to the evidence submitted by the District Magistrate and produced by the goonda concerned and giving them all possible opportunities for proving their cases. If it were a question of trial certainly I think there will be a fear of travesty of justice—I go so far—if the accused is not permitted to be represented by a pleader. The punishment that will be awarded is not one of penal servitude or hard labour, but a goonda will simply be told that he is not to come within a certain area where he made himself absolutely obnoxious and the peace and tranquillity of which he has endangered. My friend Thakur Hanuman Singh has just said that it is like a summary trial. I think that it is, in fact, more prolix than even the trial under section 110. The District Magistrate here has to collect information and satisfy himself that a particular person is a goonda and then he will send that information to the Local Government, who in their turn have to appoint two judges. Anybody prosecuted under section 110 is tried by a magistrate, but in this case it will be a tribunal of two judges who will sift the whole material and adjudicate as to whether the person concerned is or is not a worthy person. Therefore it is by no means a summary trial and I am surprised that a man of his magisterial experience calls it a summary trial.

Rai Bahadur Thakur Hanuman Singh: What will you call it if it is neither a regular nor a summary trial?

Shaikh Muhammad Habib-ullah: If the honourable member will read through the whole Bill, he will know what to call it. He has perhaps been thinking that it is like the Criminal Procedure Code or the Indian Penal Code, in connexion with which the law of Evidence is strictly followed. It is not that. It is merely an administrative Bill which empowers the Local Government to deal with a certain class of people on information received from a reliable source. That is what I understand about the Bill and it has been introduced to ensure the peace and tranquillity of a town like Cawnpore. I cannot understand why the goonda should go and make his stay in a trade centre like Calcutta or Cawnpore. Perhaps the more the wealth, the more the goondas. Well, I am afraid that if trade expands in Lucknow, the goondas may also appear here. So far we have been free from them. This is the sum and substance of this Bill and I do not think that when such a procedure as is laid down in this Bill is to be adopted, there is any necessity of legal representatives on either side. I am sure that the members of the select committee have rightly come to

the conclusion that it is not necessary and for the way in which they have put it in the Bill they deserve commendation. I oppose both the amendments of my friends.

Khan Bahadur Hafiz Hidayat Husain: The amendment moved by the honourable member for Farrukhabad is an important one and I have given it the attention it deserves. I am obliged to him for referring to us who sat on the select committee and I can assure him in return that it was on account of very special circumstances that this clause found place in the Bill. We—by “we” I mean my honourable friend Rai Bahadur Babu Vikramajit Singh, as President of the Cawnpore Bar Association and I as an ex-secretary of that very Association, have done our very best to advance as far as we could the interests and dignity of the lawyers and nothing that we can do even in the future shall deflect us from that path, but I can assure the honourable mover that we are persuaded to believe that the evil to cope with which this Bill has been framed cannot be treated in the ordinary way. After all, this is a Bill that relates to the peculiar conditions of Cawnpore, conditions which have assumed proportions demanding extraordinary measures in order to meet those conditions. I can assure my honourable friends of this House that if it were possible to meet those extraordinary conditions by the ordinary provisions of the Criminal Law, we would have been the foremost in opposing a measure like this, but because we are convinced that nothing but extraordinary measures will allay those conditions that are unfortunately prevailing in Cawnpore, we have given our assent and our consent to this Bill.

Now, Sir, the conditions prevailing in that city are as I described them a little while ago. Large bodies of persons roam about on special and even on ordinary occasions doing nefarious trade, browbeating people, intimidating them, curtailing their rights, subjecting them to pressure and making them dependent on the will and pleasure of this dominating element. I ask if in a progressive town like Cawnpore where very unfortunately on account of the conditions that have been prevailing there particularly since last year trade has gone down, society has almost broken, relations have been strained, special measures are not required to cope with the evil. Could we as responsible members of this House ignore them and not take steps to mitigate them? I say that it is the bounden duty of every individual interested in the welfare of this province as a whole to be a party to measures which will restore social and economic equilibrium in Cawnpore. Can it be said that because lawyers have been excluded under this Bill from appearing before the judges in the trial or the investigation of the affairs of goondas, they will not get justice. Does it not reflect on those experienced judges who will be sitting in judgment on them? Does it not reflect on those persons or bodies who may come forward to give evidence of such a delicate nature? Is it said that these judges who will sit in judgment on them will be guided and will be led away by persons coming forward to give evidence without sifting that evidence? Does the proposed law absolutely prohibit the appearance of lawyers? I say do not make hasty generalizations. The whole scheme of this Bill is the adoption of summary procedure, summary procedure because

Khan Bahadur Hafiz Hidayat Husain.]

the ample provisions of the Criminal Procedure Code, the provisions of penal law have not been found sufficient to cope with the evil. Then, Sir, how many safeguards have been provided in this Bill to counterbalance any deviation from normal procedure. In the first place the man who is charged—I cannot say “charged”—but a man who has been stigmatised as a goonda has got to be provided with details of information, secondly he is asked to make a statement of his case before the judges, thirdly he is asked to give whatever evidence he likes and then, Sir, the judges have got to make a report to the Government. It cannot be said that the Government will further deny him any further right of representation if the goonda is so advised. I ask Sir, if this is not enough in his interest. As members of this honourable House it is our duty to see that a man's liberty is not curtailed, but it is also our duty to put effective checks on the liberty of those who are a danger to society. In a measure like this we cannot be guided by mere platitudes. We have to consider the conditions of the place for which we enact. If the conditions of Cawnpore require that a special measure like this should be enacted, I would ask my honourable friends to defer to our wishes who were in the select committee. I ask them to take into consideration the fact that we, who are most intimately connected with the details of Cawnpore life, are assured that a measure of this kind is necessary and I therefore ask this honourable House to reject the proposed amendment.

Munshi Gajadhar Prasad: I had no intention to participate in the debate at this late hour, but there have been certain remarks from some honourable members of the House which call for consideration. Now it has been said by my honourable friend Khan Bahadur Hafiz Hidayat Husain that if the persons charged under this Act are allowed to engage pleaders that will reflect on the ability of the Judges. I would submit with great respect that that would be laying down a very broad proposition. If a person is allowed to engage a pleader it does not mean that the judge would not otherwise be able to deal with the case or that he is inefficient. If that were the case certainly in the High Court and Chief Court we would recommend that lawyers should not be allowed and the judges should carry on the work and dispense justice without the aid of lawyers. And then we find in the Act itself that we have no definition of the word “goonda,” and the definition as given in the Act itself, if one can call it a definition at all, is capable of a very wide interpretation. It may be possible that the Judges or the bench of judges who may have an opportunity of adjudicating on these matters may be able to give a right decision on many occasions, but if there be one single case in which they give a wrong decision or go wrong in the interpretation of a particular set of circumstances and come to the conclusion that a person is a goonda when he is not—a calamity which could possibly have been avoided with the aid of lawyers then this House will be failing in its duty if it did not lay down correct methods of guidance for all times. What does a magistrate or assistant judge do as far as criminal cases are concerned? Even in summary trials the accused is given the opportunity of engaging a lawyer. In cases for example under sections of the I. P. C.

relating to theft, robbery or dacoity judges have got eventually to come to a conclusion whether in view of a particular set of circumstances a person is or is not a thief, robber or dacoit. Similarly, they have got eventually also in this case to come to the conclusion whether a certain person is or is not a goonda. So I submit that in view of the vague definition already laid down, it is absolutely essential that lawyers may be allowed an opportunity of representing the case of their clients and it is wrong of my learned friends on the select committee—I speak particularly of Khan Bahadur Hafiz Hidayat Husain—to think that lawyers would in any way interfere with the dispensation of speedy justice. If that were so certainly as I have already submitted, lawyers would be debarred from appearing in any courts. I would say with great respect to him that if a person wants to have a trial by means of a lawyer even under the Ordinances he can claim it and he would be given the opportunity because Government always give latitude to an accused person to represent his case as best as he can, and if he requires expert advice or help in the shape of a lawyer, Government certainly never deny it. Why make an exception in this case? I submit that the House should very carefully and fully consider this matter before coming to a decision.

The Hon'ble the Home Member: I am sorry I am again standing to oppose the amendment. As I have said several times before, this enactment is only meant for simplicity and for the saving of time and for giving as little publicity as possible. The man who is dealt with is not sent to jail, Sir, neither flogged, nor sent to the Andamans. He is only asked to leave Cawnpore. He may go to Lucknow or Allahabad or anywhere he wishes. We only ask him to please vacate Cawnpore. We are not giving him any punishment. Even under these circumstances we are giving him ample protection. As has been said several times before, two judges will be sitting to decide the matter and then the Government has got the final authority and they will guide the whole procedure. They get the report and they consider the report. Then, Sir, as has been said by some honourable members, previously, very soon we will have a new Government who will consider these matters perhaps in a different light. And next year or so, after making an experiment with this measure, another measure may be brought forward to satisfy our people who are so much sympathising with the poor goondas. By that time only a few dozens may have been asked to go away from Cawnpore. I will welcome them to Aligarh if they go there and there will be a sanatorium for them, if they so desire, in the Aligarh Fort. There are also settlements for criminal tribes. Anyhow, my submission is this that

من نہ گویم کہ این مہکن آں کن * مصلحت ہون و کار آسان کن

The thing is we want to make *kar asaan* for the people of Cawnpore, *kar asaan* for the Government and *kar asaan* for the honourable House.

Mr. Brijnandan Lal: It has been said that my amendment is a reflection on the judges. On the contrary, Sir, I believe that the arguments advanced by my friends are a reflection on the lawyers. It has been said that the presence of lawyers will complicate matters. It is a matter of great regret to me that two eminent lawyers in his House have come forward to advance this argument against themselves. Does your presence, Sir, complicate matters in the Council? Does the

Mr. Brijnandan Lal.]

presence of the learned Legal Remembrancer complicate matters. I submit that the presence of lawyers will simply help the administration of justice; it will not complicate matters.

Shaikh Muhammad Habib-ullah: I object to the analogy of the Council in a goonda trial.

Mr. Brijnandan Lal: If it were written on the face of a goonda that he is a goonda, it would be an easy matter; but it is all a question of finding out whether a particular man is a goonda or not. As soon as a man is reported against it does not follow that he is a goonda. An elaborate procedure has been provided simply to find out whether a particular person is a goonda. If the Council thinks that simply a report from the District Magistrate is sufficient to show that a particular person is a goonda it is hardly necessary to provide for this lengthy procedure. For God's sake remove this provision also—that the accused will have the right to produce defence witnesses.

It has been said that the presence of two judges is a guarantee for justice. If two judges in every judicial tribunal were a guarantee for justice there would be no appeals to the Judicial Committee of the Privy Council. To err, Sir, is human and it is very likely that even two judges may make mistakes. Even the decisions of the High Court, which are delivered by two Judges go to the Privy Council and sometimes they are set aside there.

If the Council wants to deprive the goondas of their home they should be given the assistance of a lawyer.

It has been said that this is a summary measure which requires speedy disposal. I do not see how the presence of lawyers will cause delay. There are sufficient safeguards in the Bill against delay. The Evidence Act will not be followed, the Criminal Procedure Code will not be followed and evidence may be taken in the absence of the accused. I do not understand how the presence of a lawyer will alter the Act.

All that is wanted is that the lawyer should suggest questions to the Judges, to be put to the witnesses and help the accused in making his representation. It has been said that the prosecuting inspector will not be present. I do not see anything in the Bill which will prevent him from being present before the District Magistrate or before the Judges. There is a provision for excluding pleaders but there is no provision for excluding the court inspector. I cannot take the word of my honourable friend that the prosecuting inspector will not be present. As a matter of fact if one were to take the provisions of the Bill literally it does not exclude an Advocate. The word "pleader" is used. The Bill is not very happily worded but if I take a wider meaning then of course it excludes all lawyers.

The Hon'ble the Home Member: It is for your benefit.

Mr. Brijnandan Lal: I think ultimately it will be interpreted to mean that it excludes lawyers altogether. That is why I took a wider meaning and brought this amendment. It has been said that it is not

a trial. If it is not a trial, what is it? It may not be a regular trial, it may not be an open trial but it is nothing else but a trial. I do not see why the person whom you want to establish as a goonda should be deprived of the help of a lawyer. It has been said that the Bill follows the lines of the Calcutta Bill. I do not see why we should imitate the Calcutta Bill in every respect. I do not think that they the Calcutta people are infallible. It is an insult to the people of this province to quote the instance of Calcutta time and time again. Khan Bahadur Hafiz Hidayat Husain appeals to the sentiments of the members and says that the people of Cawnpore want this. I say that in the interests of Cawnpore there should be lawyers to represent the accused. The lawyers are to help the administration of justice. There will be a lawyer on the Government side to show that the accused person is a goonda and there should be a lawyer on the other side also. The Judges will then be able to arrive at a correct conclusion but without lawyers there is danger of miscarriage of justice. I never heard this argument before that the presence of a lawyer will prevent justice being done. It has been said that so many safeguards have been provided. I do not see many safeguards in the Bill. As a matter of fact I did not raise any objection to other provisions but when I found that lawyers have been excluded I brought this amendment. It has been said that the Bill does not provide for the punishment of a person. It does not send him to jail but it is worse to deprive him of his hearth and home. I submit that the presence of lawyers will not frustrate this object.

The Hon'ble the Home Member: I have nothing to add to what I have said before, that we are unable to accept this amendment. We want that the provision should be passed as it is.

The Hon'ble the President: The amendment moved was that the proviso (a) be deleted; since when another amendment has been moved that for proviso (a) the following be substituted:—

“The person whose case be pending before the advising judges may be represented before them by pleader and so the Local Government may also engage pleader to represent it”.

The question is that proviso (a) stand part.

The question was put and agreed to.

The Hon'ble the President: The question is that clause 5 stand part.

The question was put and agreed to.

CLAUSE 6.

6. (1) On receipt of the report of the advising Judges the Local Government, if satisfied that the person against whom the report has been made should be removed elsewhere, may by an order reciting the conclusions of the advising Judges, as reported by those Judges:—

Order of removal by
Local Government.

(a) direct him to leave the United Provinces within such time, by such route or routes, and for such period as may be stated in the order; or

(b) where the Local Government are satisfied that both he and his father were born in the United Provinces or that he is a member of a family which has definitely settled in the United Provinces and is himself so settled, direct him to leave the Cawnpore district within such time, by such route and for such period as may be stated in the order, and may in that case further order that he shall during the same period notify his place of residence and any change or intended change of residence and any absence or intended absence from his residence to the officer appointed by the Local Government in this behalf.

(2) The order of the Local Government under sub-section (1) shall be final, and shall not be called in question in any subsequent *civil or criminal proceedings*.

Rai Bahadur Thakur Hanuman Singh: I beg to move that in line 6 of clause 6(1)(b) between the words "period" and "as" the words "not exceeding three years" be inserted.

Whenever a criminal is punished, the law provides a time-limit for that punishment. Here no such period has been mentioned. It seems to me fair and equitable that the period of deportation be fixed at three years.

Shaikh Muhammad Habib-ullah: I suggest that the period of deportation be fixed at five years.

The Hon'ble the President: Is there any objection to this amendment being moved? (after a pause).

There being no objection the amendment can be moved.

Shaikh Muhammad Habib-ullah: Three years is the period of confinement under section 110 cases. Here there is no question of confinement in jail. To my mind, it would not be a hardship if in this matter no limit were fixed. If this were done, in suitable cases the Local Government could revise the order of the judges, as under the Act the Local Government has the power even to cancel an order of deportation. As however most of my honourable friends here are keen on a time-limit, I suggest that this be fixed at five years. In my opinion five years would be found a more suitable period for deportation in many cases. I do hope that my honourable friend, the mover, will accept my amendment.

The Hon'ble the Home Member: I shall accept the time-limit of five years, if it is acceptable to the House.

Rai Bahadur Thakur Hanuman Singh: I do not agree to the amendment of my honourable friend Shaikh Muhammad Habib-ullah.

For these reasons, Sir, I think in the first instance the period of deportation should be three years. If the man returns to Cawnpore and behaves as before, there is nothing in the law to prevent his being deported again and prosecuted under these sections, and if within the three

years he reforms himself and comes to Cawnpore to live like a good citizen there is no reason why he should be detained from his home or from the place of his business for such a long period as five years.

The Hon'ble the President: The original motion made was that in clause 6, sub-clause (1)(b) after the words "such period" the words "not exceeding three years" be inserted. Since when another amendment has been moved that "not exceeding five years" be inserted instead. The question is that the words "not exceeding three years" be inserted after the words "such period".

The question was put and negatived.

The Hon'ble the President: The question is that the words "not exceeding five years" be inserted.

The question was put and agreed to.

The Hon'ble the President: The question is that clause 6 as amended stand part of the Bill.

The question was put and agreed to.

CLAUSES 7 TO 10.

7. When any person on whom a warrant has been served under
Evasson of orders. section 4—

(i) fails to attend at the place and at the time or times specified in the warrant and thereafter when required in order to receive the order of the Local Government under section 6; or

(ii) prior to the issue of that order leaves the United Provinces or the Cawnpore district, as the case may be,
the Local Government may issue the order under section 6 in the absence of that person by publishing the same in the *United Provinces Gazette*, and such person shall be deemed to have absconded in order to evade that order :

Provided that the Local Government may condone a failure to attend under clause (i), on reasons for such non-attendance being furnished to their satisfaction, and in that case such person shall not be deemed to have absconded in order to evade the order.

8. Every person, in respect of whom an order has been made
Identification order. under section 6, shall, if so directed
tribut Magistrate,—

(i) present himself to be photographed;

(ii) allow his finger impressions to be recorded;

(iii) if literate, furnish such officer with specimens of his handwriting and signature; and

(iv) attend at such times and places as the District Magistrate may direct for all or any of the aforesaid purposes.

9. When any person, against whom an order has been made under
Penalty for breach of section 6. section 6, fails to comply with such order within
order under section 6. the time specified therein, or after complying with
the said order returns to, or after evading the said
order returns to or remains in, any place within the United Provinces

or the Cawnpore district, as the case may be, before the expiry of the period stated in the order, or fails to give to the officer appointed to receive it the information in regard to residence or absence set forth in section 6, such person may be arrested without a warrant by a police officer and shall be liable, on conviction before the District Magistrate or a Magistrate of the first class, to be punished with rigorous imprisonment for a term which may extend to one year.

10. (1) Any person who fails to comply with, or attempts to evade, any direction given in accordance with the provisions of section 8, or who absconds in order to evade any order made under section 6, shall be liable to be arrested without a warrant and shall, on conviction before the District Magistrate or a Magistrate of the first class, be liable to be punished with imprisonment for a term which may extend to six months, or to a fine which may extend to one thousand rupees, or to both.

(2) An offence under this section and under section 9 shall be deemed to be a non-bailable offence.

The Hon'ble the President: The question is that clauses 7, 8, 9 and 10 stand part of the Bill.

(The question was put and agreed to.)

Rai Bahadur Thakur Hanuman Singh: Sir, I beg to move that the following be added as clause 11 after clause 10 :—

“Any person deported under clause 6(1)(b) may be pardoned by the Local Government if recommended for such pardon by the District Magistrate of the district in which he might have resided for at least six months.”

Well Sir, even the worst criminals, even the murderers are sometimes pardoned by the Governor. If a man, who has been removed from Cawnpore and made to live at some distance from his home or from the members of his family, behaves as a good man and if he happens to be so fortunate as to earn the good opinion of the officers of the districts in which he might be residing and the District Magistrate of that place recommends him for pardon, there should be a clause in the Act that this Government may on the recommendation of the District Magistrate pardon the man and permit him to return to his home. Everything will depend upon the good opinion of the District Magistrate in which he will decide to live after his sentence or whatever you may call it. My friend Shaikh Habib-ullah may say that it should not be called a sentence. So I will ask him to call it whatever he likes.

Shaikh Muhammad Habib-ullah: The clause, as it stands, does not read very well. It says “Any person deported under clause 6(1)(b) may be pardoned by the Local Government if recommended for such pardon by the District Magistrate” I think what my friend wants is this that the Local Government may pardon a person and permit him to go back to Cawnpore after the receipt of a satisfactory report after six months. But I think six months is much too small a

time. If the amendment is worded as follows, namely, at any time within this period of deportation, whether six months or nine months, it will be all right. I hope that my friend will agree with me that the Local Government may pardon any person to go back to Cawnpore on receipt of a satisfactory report about him at any time within the period of his deportation.

Rai Bahadur Thakur Hanuman Singh: Sir, my honourable friend Shaikh Muhammad Habib-ullah

The Hon'ble the President: Order, order. We are dealing here with a piece of legislation, which is an important matter and should be taken seriously. We are not in the select committee stage and therefore members have to be very careful in the amendments that they propose or bring forward. So far Shaikh Muhammad Habib-ullah has proposed no amendment formally. Unless there is an amendment before me I cannot deal with it as if I were in the select committee. I have said so more than once in the House.

Shaikh Muhammad Habib-ullah: Sir, with your permission I beg to move that the following be the wording of the new clause:—

“Any person deported under clause 6 may be pardoned by the Local Government on receipt of a satisfactory report within the period of his deportation.”

The Hon'ble the President: Satisfactory report from whom?

Shaikh Muhammad Habib-ullah: It is for the Local Government to say.

The Hon'ble the President: I cannot leave it to the Government. The amendment should be put in a definite form.

Shaikh Muhammad Habib-ullah: From the District Magistrate in which he may reside.

The Hon'ble the President: Will the honourable member put the amendment in a definite form?

Shaikh Muhammad Habib-ullah: Sir, the new clause may be as follows:—

“Any person deported under clause 6(1)(b) may be pardoned by the Local Government on a satisfactory report from the District Magistrate of the district in which the deportee may be residing at the time and be permitted to return to Cawnpore.”

The Hon'ble the President: The amendment proposed is:—

“Any person deported under clause 6(1)(b) may be pardoned by the Local Government on a satisfactory report from the District Magistrate of the district in which the deportee may be residing at the time and be permitted to return to Cawnpore.”

Is there any objection to its being moved?

No objection being raised, it was allowed to be moved.

Rai Bahadur Thakur Hanuman Singh: May I rise to make a suggestion? The honourable mover of the amendment to my amendment has moved it under clause 6. Clause 6 includes those who are not residents of this province and those who are residents of this province. My amendment does not want this privilege to be given to those who are outsiders.

The Hon'ble the President: That should be argued on the merits of the amendment. The honourable member can oppose it. I only want to know whether the House has any objection to its being moved.

No objection was raised.

The Hon'ble the President: The amendment proposed by Rai Bahadur Thakur Hanuman Singh is to add the following as clause 11 after clause 10:—

“Any person deported under clause 6(1)(b) may be pardoned by the Local Government if recommended for such pardon by the District Magistrate of the district in which he might have resided for at least six months.”

The amendment proposed by Shaikh Muhammad Habib-ullah is that for the new clause suggested by Rai Bahadur Thakur Hanuman Singh the following new clause be added:—

“Any person deported under clause 6(1)(b) may be pardoned by the Local Government on a satisfactory report from the District Magistrate of the district in which the deportee may be residing at the time and may be permitted to return to Cawnpore.”

These are the two amendments before the House.

The Hon'ble the Finance Member: If I oppose the amendment in either form it is simply because it is unnecessary. The Governor can pardon anybody at any time and could probably do so on the recommendation of a District Magistrate. So the amendment does nothing but state a well-known fact. What is the good of stating a well-known fact in law. Apart from that if this became a habit it would be a rather dangerous habit. Every goonda could say after six months, ‘Let me go back I will be a good boy.’ Then he might become a goonda and be deported again, and again after six months he may say the same thing. He may alternatively be a goonda or a bad boy. Apart from this on purely technical ground the Government must oppose this new clause because it is unnecessary.

Rai Bahadur Thakur Hanuman Singh: I accept the amendment to my amendment moved by my friend Shaikh Muhammad Habib-ullah and I have to say, Sir, in this connexion that the provision of the section which has been suggested by me in no way takes away the power which is in the hands of the Government. But this provision is such as to encourage the deportee to be of good behaviour and to reclaim himself with a view to get a pardon and permission to return to his native place. This provision in no way binds the hands of the Government to pardon.

It does not make it compulsory that the Government must pardon. The Government has full power to pardon or not.

(The Hon'ble the Finance Member rose to speak.)

The Hon'ble the President: The Hon'ble the Finance Member has no right to speak now unless the power is delegated by the Hon'ble the Home Member.

The Hon'ble the Home Member: Again I am very sorry I cannot accept this amendment also. I will only say in this connexion that the first thing is this that if a man who is so anxious to go back may improve himself for a year or six months for the sake of going back to his favourite place, Cawnpore, and of course the District Magistrate will say that he has done nothing wrong and there is nothing against his character during the time he has known him. Besides those honourable members who have got experience of magistracy for long periods know that a man who has been sentenced for three, four or five or six years comes out and commits the same offence again. Because he is anxious to come back to his native place, he will only improve himself for a short period; after that he will come back and be a danger to society and commit the same offence again. Therefore, as has been said by the Leader of the House, to pass such a section in the enactment will be a sort of *tamasha* to every goonda if he is deported and then to show himself an innocent man for a few months elsewhere, and then come back again. Therefore, Sir, I am sorry that I cannot accept this new clause either.

The Hon'ble the President: Rai Bahadur Thakur Hanuman Singh has moved that the following be added as clause 11 :—

“Any person deported under clause 6(1)(b) may be pardoned by the Local Government if recommended for such pardon by the District Magistrate of the district in which he might have resided for at least six months.”

Further, an amendment has been proposed that the following be added as clause 11 instead :—

“Any person deported under clause 6(1)(b) may be pardoned by the Local Government on a satisfactory report from the District Magistrate of the district in which the deportee may be residing at the time and be permitted to return to Cawnpore.”

The question is that the following be added as clause 11 :—

“Any person deported under clause 6(1)(b) may be pardoned by the Local Government on a satisfactory report from the District Magistrate of the district in which the deportee may be residing at the time, and be permitted to return to Cawnpore.”

The question was put and negatived after division, the voting being Ayes, 15; noes, 38.

Ayes.

Brijnandan Lal, Mr.
Dahari, Mr.
Gajadhar Prasad Babu.
Habibullah, Shaikh Muhammad.
Hanuman Singh, Rai Bahadur, Thakur.
Jagbhan Singh, Kunwar.
Liaquat Ali Khan, Nawabzada Muhammad.
Moti Lal Bhargava, Pandit.

Nazar Husain, Shah.
Perma, Mr.
Prem Ballabh Belwal, Pandit.
Rajeshwar Bali, Rai.
Ram Bahadur Sakseena, Babu.
Rampal Singh, Thakur.
Vikramajit Singh, Rai Bahadur, Babu.

Noes.

Afzal-ud-din Hyder, Shaikh.
Anand Sarup, Rai Sahib, Lala.
Arjun Singh, Chaudhri.
Bennett, Mr. J. R. W.
Bikram Singh, Rao Bahadur, Thakur.
Blunt, The Hon'ble Mr. E. A. H.
Canning, Mr. F.
Clay, Mr. J. M.
Dunn, Lt.-Col. C. L.
Fasih-ud-din, Khan Bahadur, Maulvi.
Habibullah, Khan Bahadur, Maulvi Saiyid.
Hadiyar Khan, Khan Sahib, Muhammad.
Hidayat Husain, Khan Bahadur, Hafiz.
Hollins, Mr. S. T.
Imtiaz Ahmad, Muhammad.
Jafer Hossain, Khan Bahadur, Saiyid.
Jamshed Ali Khan, Captain Nawab Muhammad.
Jang Bahadur Singh Bisht, Thakur.
Knox, Mr. K. N.
Lane, Mr. H. A.

Mackenzie, Mr. A. H.
Macleod, Mr. R. D. W. D.
Maqsood Ali Khan, Khan Sahib, Muhammad.
Mason, Mr. P.
Metha, Mr. V. N.
Muhammad Yusuf, The Hon'ble Nawab.
Muzammil ullah Khan, The Hon'ble Nawab, Sir.
Nisarullah, M.
Oppenheim, Mr. E. F.
Pratap Bhuan Singh, Rao Bahadur, Thakur.
Ram Dayal, Chaudhri.
Sadayatan Pande, Pandit Shri.
Sathe, Mr. J. N. D.
Shakirdad Khan, Sirdar Muhammad.
Srivastava, The Hon'ble Mr. J. P.
Suraj Din Bajpai, Rai Bahadur, Pandit.
Teyon, Mr. C. St. L.
Tika Ram Misra, Pandit.

The Hon'ble the President: The question is that the following be added as clause 11:—

“Any person deported under clause 6(1)(b) may be pardoned by the Local Government if recommended for such pardon by the District Magistrate of the district in which he might have resided for at least six months.”

The question was put and negatived.

CLAUSE 1.

1. This Act may be called the United Provinces Goondas Act, Short title and extent. 1932.

Mr. J. R. W. Bennett: Sir, it was brought to my notice that in the printing of the Bill as amended by the select committee a mistake occurred in the first clause. This clause consists really of two sub-clauses, as the marginal heading shows. It relates to the short title and extent of the Bill. But as it stands as now printed, we have only got the short title and not the extent. With your permission, I, therefore, move that the following sub-clause be added to the first clause of the Bill:—

“It shall extend to the United Provinces of Agra and Oudh.”

The Hon'ble the President: The amendment moved is that in clause 1 the following sub-clause (2) be added:—

“It shall extend to the United Provinces of Agra and Oudh.”

The question was put and agreed to.

The Hon'ble the President: The question is that clause 1 stand part of the Bill.

The question was put and agreed to.

PREAMBLE.

Whereas it is expedient to provide for the control of certain goondas within Cawnpore and to provide for their removal elsewhere in certain circumstances;

And whereas the previous sanction of the Governor-General has been obtained under sub-section (3) of section 80-A of the Government of India Act to the passing of this Act;

It is hereby enacted as follows:—

The Hon'ble the President: The question is that the preamble stand part of the Bill.

The question was put and agreed to.

The Hon'ble the Home Member: Sir, with your permission I move that the United Provinces Goondas Bill be passed.

The Hon'ble the President: The question is that the United Provinces Goondas Bill be passed.

The question was put and agreed to.

The Council was then adjourned at 4.40 p.m. till the next day.

APPENDIX A.

(See page 100 *supra*).

Statement referred to in the answer to * council question no. 52(d) for 23-2-'32 asked by Munshi Gajadhar

Prasad Sahib.

Statement showing distribution of seeds and implements at Ahraura Seed Disp't district Mirzapur, from the year commencing from 1927-28 to 1931-32.

Variety of seeds.	Distributed in 1927-28.			Distributed in 1928-29.			Distributed in 1929-30.			Distributed in 1930-31.			Distributed in 1931-32.		
	Sawai.	Cash.	Total.	Sawai.	Cash.	Total.	Sawai.	Cash.	Total.	Sawai.	Cash.	Total.	Sawai.	Cash.	Total.
	Md. Sr.		Md. Sr.	Md. Sr.		Md. Sr.	Md. Sr.		Md. Sr.	Md. Sr.		Md. Sr.	Md. Sr.		Md. Sr.
Wheat ..	51 30	..	51 30	90 8 0	..	90 8 0	266 31 0	..	266 31 0	91 10	0 26	91 36	103 10 0	..	103 10 0
Gram ..	2 15	..	2 15	1 10 0	..	1 10 0	..	..	..	..	..	..	..	..	..
Sauai ..	..	..	..	7 20 0	..	7 20 0	..	..	..	..	..	..	..	..	..
Guar ..	..	..	..	0 14 8	..	0 14 8	..	..	..	..	..	..	..	..	..
Maize ..	..	..	..	0 2 0	..	0 2 0	..	..	..	..	..	..	..	..	..
Bajra ..	..	..	..	0 6 0	..	0 6 0	..	..	..	..	..	..	..	..	..
Early arhar	..	..	..	0 10 0	..	0 10 0	..	..	..	..	..	..	..	..	..
Barley ..	..	..	..	2 0 0	..	2 0 0	..	..	..	..	..	..	..	..	..
Paddy ..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Kabuli gram	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Total	54 5	..	54 5	101 30 8	..	290 23 0	9 35 10	300	23 10	116 13	1 25	117 38	123 18 4	1 8	124 26 4
Implements—															
Ransons meston	..	..	..	..	..	..	7	..	7	..	1	1	..	3	3
ploughs	..	..	..	..	..	..	4	..	4	..	2	2	..	2	2
Shares of above (extra)	..	..	..	..	..	..	..	..	..	..	..	..	..	1	1
Konkon ploughs ..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Total no. of implements with shares	..	..	..	..	..	..	11	..	11	..	3	3	..	6	6

APPENDIX B.

(See page 104 *supra*.)

Statement referred to in the answer to part (i) of unstarred question no. 11, for February 23, 1932, asked by Kham Bahadur Hafiz Hidayat Husain Sahib.

				Muslims.	Hindus.	Others.
<i>Agricultural College, Cawnpore.</i>						
Imperial	..	..	..	..	3	2
Provincial	..	..	..	..	6	1
Subordinate	..	..	..	2	12	2
Clerical	..	..	..	1	10	..
				3	31	5
<i>Bulandshahr School.</i>						
Provincial	..	..	..	..	1	..
Subordinate	..	..	..	..	5	..
Clerical	..	..	..	..	1	..
				..	7	..
<i>Gorakhpur School.</i>						
Provincial	..	..	..	..	1	..
Subordinate	..	..	..	1	4	..
Clerical	..	..	..	..	1	..
				1	6	..

APPENDIX C.

(See page 104 *Supra*).

Statement referred to in the answer to part (b) of unstarred question no. 12 for February 23, 1932, asked by K. B. Hafiz Hidayat Husain.

Number of convictions under the various Ordinances and the Indian Criminal Law Amendment Act up to January 31, 1932.

1	2	3	4	5	6	7	8
District.	Under Ordinance XII of 1931 (United Provinces Emergency Powers Ordinance).	Under Ordinance II of 1932 (Emergency Powers Ordinance).	Under Ordinance III of 1932 (Unlawful Instigation Ordinance).	Under Ordinance V of 1932 (Prevention of Molestation and Boycotting Ordinance).	Total of columns 2 to 5.	Under the Indian Criminal Law Amendment Act, 1908.	Total of columns 6 and 7.
Dehra Dun	3	3
Saharanpur	1	4	5	4	9
Meerut	..	1	5	29	35	6	41
Aligarh	..	2	..	1	3	12	15
Muttra	..	3	5	..	8	47	55
Agra	..	2	1	..	3	24	27
Etah	1	1	45	46
Bijnor	..	6	10	6	22	6	28
Budaun	2	6	8	3	11
Moradabad	7	7
Pilibhit	43	43	..	43
Farrukhabad	..	27	77	..	104	7	111
Etawah	..	50	2	5	57	..	57
Cawnpore	..	86	47	1	134	16	150
Fatehpur	..	3	11	28	42	..	42
Allahabad	..	185	137	14	339	19	358
Benares	43	43	11	54

1	2	3	4	5	6	7	8
District.	Under Ordinance XII of 1931 United Provinces Emergency Powers Ordinance).	Under Ordinance II of 1932 (Emergency Powers Ordinance).	Under Ordinance III of 1932 (Unlawful Instigation Ordinance).	Under Ordinance V of 1932 (Prevention of Molestation and Boycoting Ordinance).	Total of columns 2 to 5.	Under the Indian Criminal Law Amendment Act, 1908.	Total of columns 6 and 7.
Mirzapur ..	..	..	9	..	9	1	10
Jaunpur ..	..	..	..	2	2	11	13
Ghazipur ..	..	..	..	..	..	8	8
Ballia ..	..	..	..	4	4	4	8
Gorakhpur ..	1	4	2	71	78	31	109
Basti ..	..	2	..	..	2	1	3
Azamgarh ..	..	..	.	11	11	1	12
Naini Tal ..	..	..	.	..	..	5	5
Lucknow ..	..	6	35	40	81	..	81
Unao ..	79	..	35	..	114	6	120
Rae Bareli ..	42	..	..	15	57	..	57
Sitapur ..	..	..	..	24	24	..	24
Kheri ..	..	..	..	..	..	9	9
Fyzabad ..	..	..	..	..	..	28	28
Gonda ..	..	1	..	..	1	1	2
Bahraich ..	..	5	..	..	5	10	15
Sultanpur ..	41	..	..	5	46	..	46
Partabgarh ..	2	..	39	..	41	..	41
Bara Banki ..	34	1	9	..	44	..	44
Total ..	547	41	430	348	1,366	326	1,692

NOTE.—The names of districts where there were no convictions under the heads above have been omitted.

LEGISLATIVE COUNCIL, UNITED PROVINCES OF AGRA AND OUDH.

Wednesday, February 24, 1932.

THE Council met at the Council House, Lucknow, at 10.30 a.m. The Hon'ble Sir Sita Ram in the Chair.

PRESENT 93.

<p>The Hon'ble Mr. E. A. H. Blunt, The Hon'ble Nawab Sir Muhammad Muzammil-ullah Khan. The Hon'ble Nawab Muhammad Yusuf. The Hon'ble Mr. J. P. Srivastava. Mr. J. M. Clay. Mr. H. A. Lane. Mr. P. Mason, Mr. V. N. Mohtra. Mr. C. St. L. Teyen. Mr. F. Canning. Mr. A. H. Mackenzie. Mr. J. N. L. Satho. Mr. B. D. W. D. Macleod. Rai Bahadur Pandit Suraj Din Bajpai. Pandit Tika Ram Misra. Mr. E. F. Oppenheim. Mr. K. N. Knox. Mr. S. T. Hollins Lieut.-Col. O. L. Duun. Khan Bahadur Saiyid Ain-ud-din. Mrs. J. P. Srivastava. Khan Bahadur Maulvi Fasih-ud-din. Mr. H. C. Desanges. Mr. E. Ahmad Shah. Rai Sahib Babu Rama Charana. Mr. Perma. Rai Bahadur Babu Awadh Bihari Lal. Chaudhri Ram Dayal. Chaudhri Jagarnath. Chaudhri Baldeva. Sahu Jwala Saran Kothiwalla. Mr. Tappu. Pandit Moti Lal Bhargava. Chaudhri Ram Chandra. Chaudhri Ghasita. Chaudhri Arjun Singh. Rao Bahadur Thakur Pratap Bhan Singh. Rao Bahadur Thakur Bikram Singh. Kunwar Girwar Singh. Pandit Joti Prasad Upadhyaya. Chaudhri Dhirya Singh. Rao Krishna Pal Singh. Honorary Lieut. Raja Kali Charan Misra. Thakur Balwant Singh Gahlot. Rai Bahadur Babu Brij Lal Badhwar. Rao Bahadur Kunwar Sardar Singh. Rai Sahib Lala Manmohan Sahai. Babu Ram Bahadur Saksena.</p>	<p>Kunwar Jagbhan Singh. Mr. Brijnandan Lal. Chaudhri Ram Adhin. Mr. Bhondwa. Chaudhri Bharos. Rai Bahadur Babu Jagadeva Roy. Mr. Dahari Rai Rajeshwari Prasad. Rai Bahadur Thakur Shiva Pati Singh. Thakur Girraj Singh. Pandit Prem Ballabh Belwal. Thakur Jang Bahadur Singh Bisht, Pandit Brahma Dutt <i>alias</i> Bhaiya Sahib. Rai Bahadur Thakur Hanuman Singh. Lal Sheo Pratap Singh. Kunwar Diwakar Prakash Singh. Thakur Muneshwar Bakhsh Singh. Thakur Jaiendra Bahadur Singh. Raja Jagdambika Pratap Narayan Singh. Rai Rajeshwar Bali. Syed Ali Zaheer. Khan Sahib Muhammad Maqsood Ali Khan. Shah Nazar Husain. Captain Nawab Muhammad Jamshed Ali Khan. Nawabzada Muhammad Liaquat Ali Khan. Hafiz Muhammad Ibrahim. Khan Sahib Muhammad Hadiyar Khan. Khan Bahadur Hafiz Hidayat Husain. Khan Bahadur Maulvi Saiyid Habibullah. M. Nisarullah. Khan Bahadur Saiyid Jafer Hossain. Shaikh Afzal-ud-din Hyder. Khan Bahadur Maulvi Muhammad Fazlur Rahman Khan. Sirdar Muhammad Shakirdad Khan. Muhammad Imtiaz Ahmad. Shaikh Muhammad Habibullah. Raja Saiyid Ahmad Ali Khan Alvi. Raja Muhammad Ejaz Rasul Khan. Rai Sahib Lala Anand Sarup. Chaudhri Muhammad Ali. Thakur Rampal Singh. Rai Bahadur Kunwar Bisheshwar Dayal Seth. Raja Jagannath Bakhsh Singh. Rai Bahadur Babu Vikramajit Singh. Babu Gajadhar Prasad.</p>
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MEMBER SWORN.

KHAN BAHADUR SAIYID AIN-UD-DIN.

QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

***1 and 2. Pandit Prem Ballabh Belwal :** [*Postponed at the request of Government.*]

ALLOWANCE GRANTED TO THE DEPUTY COMMISSIONER, GARHWAL.

***3. Pandit Prem Ballabh Belwal :** How much and under what rule or Government order has the Settlement Officer in Garhwal been drawing monthly allowance over and above his pay as Deputy Commissioner? Will the Government be pleased to place a copy of the rule or Government order referred to above on the table?

The Hon'ble the Finance Member (Mr. E. A. H. Blunt) : The Deputy Commissioner of Garhwal holds the two posts of Settlement Officer and Deputy Commissioner and has been granted a special pay of Rs. 150 per mensem in addition to his grade pay under Fundamental rule 49, a copy of which is placed on the honourable member's table.

(See Appendix A, page 216.)

Pandit Prem Ballabh Belwal : May I ask when was the order for the grant of a special pay issued?

The Hon'ble the Finance Member : I cannot say, but he has been drawing the special pay from the date he took over charge of the two offices.

ENHANCEMENT OF REVENUE IN THE GARHWAL DISTRICT.

***4. Pandit Prem Ballabh Belwal :** What action have Government taken so far on the recommendation of the Council at the last session in respect of postponement of enhanced revenue in the district of Garhwal? If none, do Government propose to take immediate action now?

The Hon'ble the Finance Member : Government have taken no action to postpone the enhanced revenue of Garhwal, and do not propose to do so, as this would be tantamount to giving a remission of revenue in that district, which Government refrained from doing, as they were satisfied that there were no reasons for doing so.

PAY OF THE TEACHERS OF THE CITY HIGH SCHOOL, GHAZIPUR.

5. Rai Bahadur Babu Jagadeva Roy : Are Government aware that the increment in the pay of the teachers of the City High School, Ghazipur, has been stopped by an order of the Director of Public Instruction, dated September 7, 1929?

The Hon'ble the Minister for Education (Mr. J. P. Srivastava) : Yes.

***6. Rai Bahadur Babu Jagadeva Roy :** Are Government aware that the pay of the teachers of the City High School, Ghazipur, which was fixed three years ago has also been reduced according to the United Provinces Government *Communique* of December 18, 1931?

The Hon'ble the Minister for Education : Yes.

***7. Rai Bahadur Babu Jagadeva Roy :** What was the reply given to the representation made to the Director of Public Instruction by the teachers of the City High School, Ghazipur?

The Hon'ble the Minister for Education : No reply has been sent to the representation.

***8. Rai Bahadur Babu Jagadeva Roy :** Will the Government be pleased to say when the teachers of the City High School will receive increment in their pay?

The Hon'ble the Minister for Education : In the financial year 1932-33.

***9. Rai Bahadur Babu Jagadeva Roy :** Do Government intend to remove the bar against the promotion of the teachers of the City High School, Ghazipur, and grant increments to their pay from the next March, or at least exempt them from the emergency cut?

The Hon'ble the Minister for Education : Increments have been allowed with effect from March 1, 1932. The 10 per cent. cut will be levied on the enhanced salaries.

CONVICTIONS UNDER CRIMINAL LAW AMENDMENT ACTS AND EMERGENCY POWER ORDINANCES.

***10. Chaudhri Baldeva :** Is it a fact that Government have issued instructions to the trying magistrates to impose heavy fines on all who are convicted under Criminal Law Amendment Acts or Emergency Power Ordinances?

The Hon'ble the Finance Member : No.

WORK ENTRUSTED TO POLITICAL PRISONERS IN JAILS.

***11. Chaudhri Baldeva :** (1) Is it a fact that the political prisoners are made to work at grinding mills and are required to draw water from wells?

(2) If the answer be in the affirmative, do Government intend to issue instructions to stop this practice?

The Hon'ble the Home Member (Nawab Sir Muhammad Muzammil Ullah Khan), : (1) Prisoners convicted in connexion with the civil disobedience movement and placed in C class have to perform the same kinds of labour as ordinary prisoners. Water raising and grinding grain are such forms of labour. Prisoners placed in A and B classes are exempted from such forms of labour except by way of jail punishment.

(2) Government see no reason to change the rules.

CLASSIFICATION OF LADY PRISONERS.

***12. Chaudhri Baldeva :** Are Government aware that even those lady prisoners who were placed in "A" or "B" class when they were sentenced in the last civil disobedience movement are being given "C" class? Do Government intend to issue instructions that in the case of at least those ladies who were convicted and put in "A" or "B" class in the last civil disobedience movement, classification should be made on the same basis as was done in the last occasion?

The Hon'ble the Home Member : No such cases have come to the notice of Government. If honourable member will give details Government will make inquiries and issue such orders as may appear to be necessary.

***13. Chaudhri Baldeva :** [*Postponed at the request of Government till March 8, 1932.*]

*14. **Pandit Joti Prasad Upadhyaya** : [*Postponed at the request of Government.*]

DISTRICT CO-OPERATIVE BANK, AGRA.

*15. **Pandit Joti Prasad Upadhyaya** : (1) Will the Government be pleased to state the name and educational qualifications of the managing director of the district co-operative bank at Agra? How long has he been the managing director of the bank?

(2) What is the total number of societies affiliated to the Agra district co-operative bank?

The Hon'ble the Minister for Local Self-Government (Nawab Muhammad Yusuf) : (1) Rai Bahadur Munshi Ambe Prasad. Government have no information about his educational qualifications. He has been Managing Director of the District Co-operative Bank, Limited, Agra, for about six years.

(2) 123.

*16. **Pandit Joti Prasad Upadhyaya** : Will the Government be pleased to supply the information relating to all the societies affiliated to the Agra district co-operative bank in the following table?

Name of locality.	Its share money.	Reserve fund.	The amount which it has to pay to the district co-operative bank.	Action taken against the society for being in arrears to the district co-operative bank.

The Hon'ble the Minister for Local Self-Government : Attention of the honourable member is drawn to rule 15 of the rules made by Government under the Co-operative Societies Act, under which annual accounts of societies can be inspected on payment of a fee of Re. 1 and copy thereof obtained on payment of annas two for 100 words.

*17. **Pandit Joti Prasad Upadhyaya** : (1) Did the District Magistrate of Agra receive any complaint that at the last general election of the district board Rai Bahadur Munshi Ambe Prasad utilized the services of the district co-operative bank for election work?

(2) If so, was any action taken against Rai Bahadur Munshi Amba Prasad?

The Hon'ble the Minister for Local Self-Government : Government have no information.

*18. **Pandit Joti Prasad Upadhyaya** : (1) Was there any society by the name of *Usara* society affiliated to the Agra district co-operative bank?

(2) Did it go into liquidation?

(3) In what way was the amount of its reserve fund and share money disposed after it went into liquidation?

The Hon'ble the Minister for Local Self-Government (1) Yes.

(2) Yes.

(3) The surplus, after paying off the liabilities, was allotted for the repairs of a well in 1927. It appears the village people did not take out proper estimate justifying the expenditure of money on repairs and after waiting for three years the amount was made over to the Rural Improvement Fund which is at the disposal of the Registrar to be spent on works of rural utility in the countryside.

* 19. **Pandit Joti Prasad Upadhyaya**: (1) Did the members of the society express a unanimous wish that such amount at the disposal of the society should be utilized for constructing a well in their village?

(2) Why was this not allowed to be done?

The Hon'ble the Minister for Local Self-Government: (1) Yes.

(2) Reply is given under question no. 18 (3).

* 20. **Pandit Joti Prasad Upadhyaya**: (1) Where is the reserve fund of this society lying now?

(2) Why are steps not being taken to make a suitable investment of it?

The Hon'ble the Minister for Local Self-Government: (1) The surplus amount of Rs. 366-1-6 has been made over to the Rural Improvement Fund.

(2) The money of the Rural Improvement Fund is invariably employed in financing credit transactions of the society.

* 21. **Pandit Joti Prasad Upadhyaya**: Will the Government lay on the table a copy of the letter sent by Rai Bahadur Munshi Ambe Prasad to the Registrar, Co-operative Societies, opposing the application of the above amount in a particular way by the society and as desired by it?

The Hon'ble the Minister for Local Self-Government: The Registrar has received no such letter.

Pandit Joti Prasad Upadhyaya: May I know what this Rural Improvement Fund is, and at whose disposal it is?

The Hon'ble the Minister for Local Self-Government: At the disposal of the Registrar, Co-operative Societies.

Pandit Joti Prasad Upadhyaya: Can this amount be returned to that particular society again?

The Hon'ble the Minister for Local Self-Government: I understand the idea is that the money of the district be spent on the district itself.

Pandit Joti Prasad Upadhyaya: Is the money of the society spent on the district of Agra itself?

The Hon'ble the Minister for Local Self-Government: Yes, the money will be spent on the district to which it belongs.

Pandit Joti Prasad Upadhyaya: But who will spend it?

The Hon'ble the Minister for Local Self-Government: It will be done in consultation with the Registrar, Co-operative Societies.

Pandit Joti Prasad Upadhyaya : Has it been done so far ?

The Hon'ble the Minister for Local Self-Government : If a representation is made to the Registrar, Co-operative Societies, he will take action on that.

Pandit Joti Prasad Upadhyaya : I want to know whether this amount which has been paid away from the society has been spent on any rural improvement so far ?

The Hon'ble the Minister for Local Self-Government : I cannot answer this without further notice.

* 22 and 23. **Pandit Joti Prasad Upadhyaya :** [*Postponed at the request of Government till March 8, 1932.*]

* 24 and 25. **Pandit Joti Prasad Upadhyaya :** [*Postponed at the request of Government.*]

* 26. **Pandit Joti Prasad Upadhyaya :** [*Postponed at the request of Government till March 8, 1932.*]

* 27—30.—**Pandit Joti Prasad Upadhyaya :** [*Postponed at the request of Government.*]

THE UNITED PROVINCES LAND REVENUE ACT (AMENDMENT) BILL.

Rai Bahadur Babu Jagadeva Roy : With your permission, Sir, I beg to present the report of the Select Committee on the Bill to amend the United Provinces Land Revenue Act and move that the Bill be taken into consideration.

The Hon'ble the President : The question is that the Bill to amend the United Provinces Land Revenue Act be taken into consideration.

The question was put and agreed to.

The Hon'ble the President : All the amendments are in the name of Thakur Keshava Chandra Singh Chaudhri who is absent. There are no other amendments on the notice-paper.

Rai Bahadur Babu Jagadeva Roy : I move that the Bill to amend the United Provinces Land Revenue Act be passed.

The Hon'ble the President : The question is that the Bill to amend the United Provinces Land Revenue Act be passed.

The question was put and agreed to.

THE NORTHERN INDIA CANAL AND DRAINAGE ACT (AMENDMENT) BILL.*

Rai Sahib Lala Anand Sarup : I beg to ask for leave to introduce a Bill further to amend the Northern India Canal and Drainage Act, 1873, in its application to the United Provinces.

The Hon'ble the President : The question is that leave be granted to introduce the Bill further to amend the Northern India Canal and Drainage Act, 1873, in its application to the United Provinces.

The question was put and agreed to.

Rai Sahib Lala A and Sarup: Sir, I beg to introduce the Bill. I introduce this Bill that whether it is

The Hon'ble the President: That is all right. The honourable member need not read it.

A BILL TO PROVIDE FOR THE SUPPRESSION OF IMMORAL
TRAFFIC IN THE UNITED PROVINCES*.

Mr. E. Ahmad Shah: I beg to ask for leave to introduce a Bill to provide for the suppression of Immoral Traffic in the United Provinces.

The Hon'ble the President: The question is that leave be granted to introduce a Bill to provide for the suppression of Immoral Traffic in the United Provinces.

The question was put and agreed to

Mr. E. Ahmad Shah: I introduce the Bill.

I also move that the Bill be referred to a select committee and that for this select committee the following members be elected :—

- (1) Raja Jagannath Bakhsh Singh.
- (2) Rai Bahadur Thakur Hanuman Singh.
- (3) Nawabzada Muhammad Liaquat Ali Khan.
- (4) Chaudhri Muhammad Ali.
- (5) Raja Bahadur Kushalpal Singh.
- (6) Rai Sahib Babu Rama Charana.
- (7) Mr. Zahur Ahmad.
- (8) Mr. J. R. W. Bennett.
- (9) Mr. E. Ahmad Shah.

May I be allowed to make a statement on this ?

The Hon'ble the President: Yes, certainly.

Mr. E. Ahmad Shah: The Bill which has been allowed to be introduced before the House, and which is now being referred to a select committee is a Bill which in itself is not a new Bill of its own kind either in this House or in the various provinces of our country. I will just give a brief account of the history of the Bill, which has also been taken into consideration by several other provinces as well. Those of us who have been following the presentation of similar Bills in other places will remember that first it was taken up by Burma in 1921, then by Bombay in 1923 in an amended form making it suitable for the Province. Later it was taken up by the Madras Presidency and was passed into an Act in 1930. In the Bengal presidency it is still in the form of a Bill and it is passing through certain stages similar to those which are now found in our Council.

Looking at the history of similar resolutions and bills in our provinces, I would like to draw the attention of this House to three previous cases. For instance, in 1927 Pandit Govind Ballabh Pant introduced a bill known as Naik Girls' Protection Bill, which passed through all necessary stages and finally it was adopted. Later on, two years after that, another bill was taken up by the same honourable gentleman with a view to further extend the application of that bill. It was called the Minor Girls Protection Bill. It went through certain stages, but was not passed. Later on in 1930, Munshi Tufail Ahmad Sahib introduced a Bill which

[Mr. E. Ahmad Shah.]

he called the United Provinces Prevention of Prostitution Bill. He moved it in the Council in February of that year and then it was circulated for eliciting public opinion in July of the same year. But unfortunately the member who moved it was not returned to the next Council, and, as such, the Bill remained there. Keeping in view all that we have been doing in our provinces with a view to bring about certain social reforms, and also keeping in view what is being done in other provinces, I have taken upon myself the duty of framing this Bill which has been circulated among the members of this House for their consideration and which is now being referred to a select committee for further consideration by them so that it may be presented to the House for final consideration.

There are no two opinions about the permissibility of the introduction of such a Bill. The evil exists. I am fully conscious of the fact that it is an evil which cannot be absolutely rooted out by the introduction of a Bill which may be passed into an Act. But I am prepared to bring before this House this Bill, so that, if it is passed into an Act, it may stand in the name of the responsible members of this House as a check on those people who have no conscience whatsoever in such vicious indulgences as referred to in this Bill. This question is being taken up not only in our country, but in other countries also. Honourable members will remember that only last year a commission was sent out on behalf of the League of Nations to the eastern countries with a view to enquire into the question of traffic in women. We do not know the details of what has been done by that commission, because the report has not been published. Nevertheless, this is clear that there were attempts—world-wide attempts to look into the affairs of society and to bring about certain measures and if possible legislation with a view to check, if not finally uproot, this evil. Therefore, Sir, while all this is going on all around us I do not think that we in these provinces can sit quiet and not pay any attention to this question. I will reserve my other remarks for future occasions so as to bring out certain other aspects of this question. I have simply presented a brief historical survey with a view to introduce the Bill. With these remarks I take my seat, with a hope that the House will consider it in due time, after it has passed through the select committee stage.

Shaikh Muhammad Habib-ullah : Sir, I cannot but admire the attempt made by my friend Mr. Ahmad Shah to stop what he thinks is going on considerably in this province in the form of immoral traffic of girls. In moving his Bill my friend has said that the attempt is similar to that which led our friend Mr. Govind Ballabh Pant who was then the leader of the Swaraj party in introducing the Naik Girls Bill and having it passed into law. I am afraid my friend Mr. Ahmad Shah has not gauged the application of this statement to the entire province. Naik is a small community of which every girl lives by means of immoral gain—prostitution. In fact the parents bring up their girls with that intention. The applicability of that principle to the province is a matter for consideration. Sir, I have been born and brought up in these provinces and I emphatically protest against this comparison of the general condition of the United Provinces with that of the Naik community. In fact as an Indian Mr. Ahmad Shah ought to have thought and considered fully the statement which he has been making as a reflection on the womanhood of—

this country in introducing this Bill. Well, the women charge us on absolutely good grounds when they say that it is the man who sins and who wants to reflect his sin on the woman. It is he who hasn't got a clear mind and who thinks that it is the other sex which requires to be improved. I am always a supporter of women and I know even to-day they are morally much better than men. Now, Sir, I know there is such a law in England specially applicable to London or perhaps to the country I do not know, but I am very sorry to have to make a statement that even the Britisher to-day thinks whether it has had its effect. I think there is more sin and more immorality carried on on account of this cheek over cohabitations considered a crime. In fact in France, where there is no such law, the immorality is much less than in England. This Bill, I submit, is not only designed to suppress immoral traffic. It is an anti-prostitution Bill—a legislative measure which is in operation in presidency towns generally. This Bill, however, is not confined to any particular part of the province. It is intended to be operative in the whole province both in the rural and in the urban areas. A legislation of this kind appears to be actuated by the best of motives or by the best of moral sentiments, but actually it is impossible to remove vices of the kind which are peculiar not only to this country, but which are perhaps to be found on a more extensive scale elsewhere in the world. To feel the need of a Bill like this is, to my mind, an admission of our weakness. This is most unjustified, for even to-day India stands on a much higher level than the other countries in the matter of women's morality. Consequently, my friend, Mr. Ahmad Shah should think twice before he presses his bill to be referred to a select committee. If honourable members will seriously consider the implications of a motion like the one made by Mr. Ahmad Shah, I am certain that they will lend their support to me and see that the Bill is not referred to a select committee.

Hafiz Muhammad Ibrahim: I support the motion put before this House by my honourable friend, Mr. Ahmad Shah. I quite agree with him in principle, I think

The Hon'ble the President: May I request the honourable member to come to the rostrum?

Hafiz Muhammad Ibrahim: Very well, Sir. I think, it is the moral duty of every Indian to support a motion like this. I feel that we should always be on our guard against any immorality that may be creeping into our society. I am astonished to find that an old gentleman like Shaikh Sahib should have opposed this Bill. I expected from him more regard for morality than from the younger generations of this country.

The first objection raised by him is that this Bill reflects on the womanhood of India. May I submit, Sir, that is there any good in concealing the truth? Has he said anything to show that the immoral traffic which is aimed at by this Bill does not exist? He said nothing about it in the whole of his speech to convince us that there is no such evil existing in our society and that we, therefore, do not require any sort of remedy to irradiate an evil like that. He afterwards said something about the particular provisions of the Bill. He read a particular provision to the House and said something about that particular provision. Sir, I do not say that when I support the Bill in principle, I am committing myself to each and everything that is put down in it. It is just possible that when

[Hafiz Muhammad Ibrahim.]

this Bill comes out of the Select Committee, I may be opposing some of the provisions, I may be putting something more into it and I may be taking something out of it. But as far as the principle is concerned, I think all of us should agree to make attempts to eradicate an evil aimed at. My friend Mr. Ahmad Shah the mover of the Bill explained the history of the motions introduced before like this Bill, and also mentioned that in the last Council Mr. Govind Ballabh Pant introduced a Bill, called the Naik Girls Reform Bill, which was passed. Shaikh Sahib said that the thing called the Naik Girls Reform Bill was something different from what this Bill is, that has just now been introduced. I am sorry to say that I do not find any difference in principle between the two Bills. The Naik Girls Reform Bill also was intended to remove certain evils that were existing in a particular tract and a particular society, while the purpose and intention of the present Bill also is the same. Therefore it cannot be said that this principle has not been discussed on the floor of this House before or that we have not done anything before in which such a principle has been recognized, or that there is nothing in our society like the evil intended to be eradicated by this Bill. With these few remarks I heartily support the motion and wish the House to refer this Bill to the select committee.

Rao Krishnapal Singh : I do not think there will be any member of this honourable House who would not like to discourage the existence of brothels or houses of ill-fame, but Sir, the methods employed in achieving this object will have to be different to those suggested by my honourable friend. The measure which has been brought forward before this House today aims at destroying indiscriminately every evil which exists including the institution of dancing girls. I presume, Sir, it is mainly aimed at eradicating this institution. Now, Sir, I am not sure that those persons who come under this class are altogether chaste or that their morals have not got to be improved. But, Sir, I do not think that you could improve them by this method alone. I feel another danger lurking behind all this. If we were to force them to correct their morals under the pressure of a law of this type, I think there is a fear that the evil will not vanish, but will continue in a very worse form, and that is my main purpose in drawing the attention of the House towards this measure. Then, Sir, the other danger which may well be envisaged is that a very artistic amusement which is supplied to the society will also be endangered. In the west there are so many forms of amusement, there are theatres, cinemas, dancing houses and all those kinds of things. We here do not have all those facilities. Sir, I do think that some kind of amusement is necessary for the society.

Then my other objection is that the institution of dancing girls is not the same as that of prostitutes. Can dancing girls be classed with the same kind of people who inhabit brothels. It may have degenerated in recent years, but I do not think that there is very much difference between the class of girls who in Europe would be known as opera girls or actresses and the class of girls who are called dancing girls in India. Until a short time back these persons were allowed to move about in decent society. They entertained people, but they were not looked down upon in the same manner as some people do now. I do not know whether the author of the Bill is better acquainted with this class of girls than any other member. But, Sir, from what I have heard I am sure that the places

where they reside cannot be termed as brothels. I think it is placing a very wrong interpretation on that kind of work. Their main profession is that of dancing or music and not prostitution.

Then, Sir, another point to which I wish to draw the attention of this House is to a better method of correcting the morals of society, if the author of the Bill thinks that they are not up to the proper standard—by introducing social reform as regards marriages. If the system of marriage is defective and if you can improve it, if you think there is need for improving it and if you do succeed in improving it, I think, Sir, there will be no necessity for introducing a measure like this. You will automatically do away with the need for these unfortunate places of ill repute. But under the present conditions I do not think that this measure will serve the purpose for which it is meant. Of course, it is too early to say how it will be shaped by the select committee or the Council when it is discussed again at a later stage. There is no doubt that when that stage is reached we shall have to bear some of these points in mind and it will not be proper for this House to give it its assent without giving due consideration to a measure like this.

Khan Bahadur Hafiz Hidayat Husain: I have very great sympathy with the objects and the motives underlying this Bill, as a Moslem I can not but sympathize with them. I have, however, considered this Bill from another standpoint and have patiently waited to hear from honourable mover and also from my honourable friend, Hafiz Muhammad Ibrahim, if they could make out a case for sending this Bill to a select committee without the formality of eliciting opinion first. I am aware that the select committee is composed of members of this House well versed in the ways of the world and I hope that if the Bill goes to the committee it will remedy the imperfections of this Bill. Three points have struck me when I read this Bill. In the first place it appears to me that the Bill is not necessary; in the second place that the provisions contained in the Bill are impractical of application, in the third place the drafting is inartistic and leaves much to be desired. With your permission, Sir, I would like to read the aims and objects of this Bill. It is stated that—

“The means suggested in the present Bill are:—

- (a) to strengthen the hands of the authorities in regard to rescuing of minor girls from brothels or places used for carrying the business of a prostitute;
- (b) to empower landlords to get rid of objectionable tenants;
- (c) to provide penalty for five different objects enumerated in the objects.”

Then section 1 says that this Bill when passed into law shall come into force on such date as the Local Government may, by notification in the *United Provinces Gazette*, direct. That is to say it leaves it open to the Local Government to enforce the Bill or not after it is passed. The Local Government will require a strong case to be made before it enforces the Act in the province.

Secondly, we have got clause 3 which says, “Any person who keeps or manages or acts or assists in the management of a brothel shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both”;

[Khan Bahadur Hafiz Hidayat Husain].

Brothel has been defined, as "any house, room or place which the occupier or person in charge thereof habitually allows to be used by any other person for the purpose of prostitution. (Burma Act II of 1921, section 2)". It will be in the remembrance of many in this House that in the years 1921 and 1922, when there was a great cry in Europe particularly England for stopping white slave traffic in the East certain measures were passed in the presidency towns including Rangoon.

Now Sir, this outcry was raised in European countries particularly because a number of Belgian girls were being brought into Eastern countries and Acts on which the present Bill is founded were enacted in Presidency Towns in order to combat the evil. The conditions obtaining there do not fortunately obtain in our province. My second point is that we already possess the powers required by this Bill under the ordinary law. Take clause 5 of the present bill. It says, "Any person who takes or attempts to take or causes to be taken from one place to another any woman or girl with a view to her carrying on or being brought up to carry on the business of prostitution, shall be punished" This clause and clause 7 are analogous to each other and overlap. Section 6 says "any person who detains any woman or girl against her will (a) in any house, room or place in which the business of prostitution is carried on, or (b) in or upon any premises with intent that she may have sexual intercourse with any man other than her legal husband, shall be punished with imprisonment" Now, both, these offences can be easily met by section 100 of the Criminal Procedure Code and other punitive sections of the Indian Penal Code and it is not necessary to have a special enactment for this purpose. Then, Sir, lower down the Bill proceeds on and says, "A person shall be presumed to detain a woman or girl who is in any house, room or place in which the business of prostitution is carried on, or in or upon any premises for the purpose of sexual intercourse with a man other than her lawful husband, if such person, with intent to compel or induce her to remain there (a) withholds from her any jewellery, wearing apparel or other property belonging to her, or (b) threatens her with legal proceedings if she takes away with her any jewellery or wearing apparel lent or supplied to her by or by the direction of such person". Now, Sir, my submission is that very drastic step is being sought by this provision and the Council must consider several times over before it will commit itself to this principle of the Bill. As I submitted before, this is also taken from the Burma Act of 1921 and Madras Act V of 1930, which runs close upon the Burma Act of 1921.

Then, Sir, there are other like provisions here, for example if a woman alleged to be under 18 years of age is found in a brothel, she will be taken out under the orders of the Magistrate and the Magistrate will order her to be placed in a rescue home. Now the first question I have got to inquire is how many rescue homes are there in this province where a girl like that can be kept. Then secondly how is her age to be determined? It is provided in the Bill that the certificate of the Civil Surgeon on the question of age shall be final. Now those of us who are acquainted with the procedure of the law courts know very well that if doctors differ anywhere more than anywhere else they differ in their estimate of age. A certain doctor may certify a man's age to be 15, and the very same doctor two or three months after will certify the age of the same person to be 18 or

19. Now, Sir, I am not talking on suppositions. These are facts that are based on personal knowledge. Therefore, Sir, to make the statement of the Civil Surgeon final with regard to age, is nothing short of ludicrous.

Then, Sir, we have got in our own province the Municipalities Act under which power has been given to municipal boards to segregate women of bad character, and the municipal boards have not been chary in their exercise of that power. Now if the municipal boards do possess that power, my submission is that we need not trench on the authority of the municipal boards, when particularly we find that the municipal boards have not been remiss of their power.

Then, Sir, it is said that further power is being asked in order to enable landlords of houses to eject women of this type. Now sections 106 and 107 of the Transfer of Property Act do empower landlords to give notice to undesirable tenants to vacate and the tenants can be ejected merely on payment of court fees for a year's rental. Sir, my submission, therefore, is that unless and until it be proved that such a drastic provision is necessary for this province, we should not undertake a legislation which might be abused by the very persons in whose hands power is sought to be placed in order to implement the provisions of this Bill. Let us keep the powers of municipal boards in tact, let municipal boards segregate women of bad character to places where they should live, and let us not give powers in the hands of persons who might abuse those powers. For these reasons, Sir, I think it is not necessary that this Bill be at this stage sent to the select committee.

Rai Bahadur Babu Vikramajit Singh : Sir, I am surprised to see that some honourable members of this House have thought fit to oppose the reference of this Bill to the select committee. I should have thought that even a stronger Bill than this would be supported by the House. I think that if this Bill errs at all it errs on the side of moderation, it does not err on the side of strictness. My friend Shaikh Muhammad Habib-ullah Sahib thought that this was an anti-prostitution Bill, and therefore he was shocked. I submit that if this Bill had been an anti-prostitution Bill, it ought to have been welcome. Why is it . . .

Shaikh Muhammad Habib-ullah : On point of explanation. My friend has misunderstood me.

Rai Bahadur Babu Vikramajit Singh : I have taken complete notes of my friend's arguments and he has used these words and called it an anti-prostitution Bill, and therefore he dislikes it. My submission is why would not the Council like to pass an anti-prostitution Bill. Is prostitution a vice or not? If it is a vice, it ought to be curtailed, it ought to be put down with a strong hand. Everything which goes to improve the morality of the society ought to be accepted by the House.

I will now deal with the arguments which have been advanced by the honourable members of this House in order to oppose this legislation. My honourable friend Shaikh Muhammad Habib-ullah Sahib thought that as India is considered to be a country of morality and chastity, a Bill like that ought not to be introduced, because it will be a slur on the good name of India. I think, Sir, it is just the other way. We all know that an Indian woman commands greater respect, and her morals are looked upon

[Rai Bahadur Babu Vikramajit Singh].

in every other country with high appreciation. I, therefore, consider that this really is a slur on the womanhood of India, a blot on the good name of India, to have an institution like prostitution in this country and any enactment or Bill which is introduced in order to put down that vice and in order to absolutely destroy and abolish prostitution has my fullest and heartiest support. My honourable friend Khan Bahadur Hafiz Hidayat Husain thought that the provision in the Municipalities Act is sufficient to enable municipal boards to put down this evil. I think, Sir, that the provision in the Municipalities Act is not at all sufficient or deterrent to put down that evil, and having had myself to administer the municipal affairs for the last six years in an important place like Cawnpore I could say that the provision in question is not in the least sufficient or adequate to check that evil. I had to prosecute hundreds of cases every year in order to remove the prostitutes from the prohibited areas. In the first place it is very difficult to remove them and in the second place if they are removed from one prohibited area, they migrate to another and spoil the society there. Consequently it is not right to say that the Municipalities Act can meet the requirements of the case. My honourable friend has pointed out that that provision could be defeated by producing evidence of a certain kind and, therefore, I think that it is absolutely necessary to have a measure specially designed to check the evil in question as far as possible. Now, Sir, in a country like India where both Hindus and Muslims can take more than one wife, it is really scandalous to have an institution of this kind. Although personally I do not think that taking more than one wife is ideal, all the same their religion and shastras permit it and, therefore, I am strongly of opinion that an institution of this nature ought not to exist in India at all. Another honourable member, Rao Krishna Pal Singh, wanted to defend the existence of prostitutes on the ground that if the present Bill was passed, dancing and music would disappear altogether. Probably he is thinking of dancing and music in its ideal state, but I think that dancing and music which has now gone almost entirely to these prostitutes is a mere screen for committing immorality and if it can only exist associated with immorality, it is certainly much better that it disappears, but if this dancing and music can have an existence independent and exclusive of this immorality, let it exist by all means.

Rao Krishna Pal Singh : Do all professions exist without any immorality?

The Hon'ble the President : I am afraid this interruption is not in order. If the honourable member wishes to put any questions, he can put them later on.

Rao Krishna Pal Singh : I am sorry, Sir.

Rai Bahadur Babu Vikramajit Singh : Then, Sir, I support abolition of prostitution on economic grounds. We all know that India is a very poor country and we also know that a lot of money is spent on prostitution and the result is that these prostitutes live very extravagant lives in all big cities. Where do they get all this money from? All this money is paid by rich and wealthy people and this very money could be spent on the betterment of their people if prostitution were abolished.

Shaikh Muhammad Habib-ullah : How do you know that rich people spend money on prostitution?

Rai Bahadur Babu Vikramajit Singh: I am surprised that my honourable friend on the right should have asked the question as to how I know that people spend a lot of money on these prostitutes. Does my friend not know that even Rajas and Maharajas have lost their gaddis and thrones by falling in a company of this kind, what to say of ordinary people? I know some of my friends here would like to champion their cause against this Bill, but I do not know whether they could be justified on grounds of morality or on any other grounds to oppose a measure of this nature.

Sir, this is, as I submitted, a very modest Bill and contains very moderate provisions. When it goes before the select committee, any seeming inconsistency or any impracticability which has been suggested will certainly be removed; the honourable members may depend upon it fully. These are no grounds for opposing the reference of the Bill to select committee. My honourable friend, Khan Bahadur Hafiz Hidayat Husain, doubts if there will be rescue homes. I think there are in many important towns such rescue homes. There is one very important rescue home in Benares and I congratulate my honourable friend, Mr. Mehta, who is the founder of that home in Benares.

The Hon'ble Minister for Education : Mrs. Mehta.

Rai Bahadur Babu Vikramajit Singh: I see it is Mrs. Mehta who founded that home in Benares and she deserves our gratitude. There are many others in other large towns, and more could be established, so that there is no dearth of people who take interest in reformation. There are societies that would like to take interest in such reforms and I submit that if a measure like this is adopted, I would consider it to be the thin end of the wedge in destroying the evil of prostitution. I should like that this measure should be further developed and that prostitution should be entirely abolished from this country so that the slur on womanhood be absolutely eradicated. We are ashamed to see that an institution of this nature is kept up publicly in a legalized shape. All this is not good in the interests of the country. Therefore, Sir, I have no hesitation in giving my wholehearted support to this motion before the House for reference of the Bill to select committee.

Khan Bahadur Maulvi Fasih-ud-din: I had absolutely no intention to speak on this subject, but the speeches which have been delivered on the floor of this House this morning have provoked me to make a few brief observations. To begin with, as a Muslim I cannot but support this Bill, for our religion says that those who indulge in these immoral practices, whether they be men or women, should be stoned to death. That is a principle of our religion which no Muslim can deny. In my opinion three issues arise in connection with this subject. The first is whether the Bill is unnecessary. The second is whether the provisions of this Bill are impracticable or such as require complete overhauling. And the third issue is whether there will be an overlapping of the jurisdiction and powers of the local bodies and the provisions of this Bill in connection with this particular matter. As to the first issue, I am decidedly of the opinion that the Bill is necessary. For the simple reason that every one of us is aware of the fact that in big towns and even in small towns there are a large number of prostitutes, in fact some of the mohallas of some towns are flooded with the houses of prostitutes and in some towns they

[Khan Bahadur Maulvi Fasih-ud-din.]

are not grouped together only in one mohalla, but they are spread over the whole of the urban areas. Besides efforts are being made for the last 20 or 25 years within my knowledge to eradicate this evil and the evil has not even subsided what to speak of its having disappeared. Some of the municipalities have passed drastic rules to the effect that no prostitutes should live within the municipal limits. But the result of these rules has been that they have constructed houses a mile away from the municipal limits and people go there in larger numbers than they used to do when these girls were living within the municipal limits for the simple reason that no sense of shame is involved in going to that place. It is for this reason that a sort of legislation is needed and not only needed but absolutely necessary and urgent. Sir, I remember having read in English history that in the past there were no laws for prohibiting prostitution in England and there was a hue and cry that prostitution should be forbidden by law. Couper in his well-known book "The Task" denounces prostitution in unmeasured terms as well as the authorities which did not legislate on that subject. The result of all that agitation was that the British Parliament had to pass a law completely prohibiting public prostitution.

(A Voice: What is the effect of that?)

I am coming to that. I do not think that a complete prohibition of prostitution will considerably reduce immorality, but it will certainly prohibit open immorality and it would be a check on the exercise of immorality in market, in streets and on roads. Sir, to say that a certain evil cannot be checked by legislation is no argument for not making the legislation to check it. We know that gambling is an immoral thing, but to say that gambling cannot be checked by passing the Gambling Act is, I think, a very wrong idea. I now come to the other issue, namely, that some of the provisions of this Bill are impracticable while others require overhauling. I do confess that this opinion is perfectly correct. But this defect can be removed by the select committee, and if the select committee fails to do so we in the Council can correct the provisions of this Bill. As to the question of the overlapping of the rules of local bodies and the intended legislation, I really do not realize where will be the overlapping. The worst that can happen is that rules and regulations framed by municipalities about checking this immoral traffic will be rendered unnecessary by the introduction of this legislation, and in that case no harm will arise.

Rai Rajeshwari Prasad: I would like to move as an amendment that the Bill be circulated for the purpose of eliciting opinion and I would like to make certain observations in connection with my motion. I refer to rule 83.

The Hon'ble the President: Yes.

Rai Rajeshwari Prasad: As you have seen the older generation in the Council has been enthusiastically outspoken on the question of the merits or demerits of the Bill. The younger generation has necessarily to talk with a great deal of restraint on a question of this kind. I want to make it clear at the beginning that it is not my intention to kill this Bill at this stage. It has been said on the one hand that a evil like prostitution has to be eradicated. With moral sentiments like that I must say there will be hardly anybody who can have the least quarrel. On the other hand,

it has been said that certain provisions of the Bill are drastic. To that we have heard replies that the select committee will necessarily make changes in the Bill. I beg to submit that we are not here to legislate for the sake of strengthening conviction in individuals in moral ideas. If we put a question "Is prostitution a vice" the obvious answer to this is "yes". But are we here to legislate for the purpose of securing greater adherence to all moral ideas by legislation? I beg to submit, Sir, that the strength of morality is something inherent, it comes of itself and it is not necessary generally to legislate for such purposes unless there is a strong local opinion for the necessity of that legislation. The question is not whether prostitution is an evil, but the question before the House at present is whether this evil exists at the present time in that degree in this province that legislation on this matter is necessary. I can submit without fear of contradiction that not a single individual in this House would be in a position to say that there is actually such a need in this province, or that there is no such need.

It is necessary, Sir, in my personal view, that this Bill should be circulated for opinion and that we should find out what the feeling is in individual districts—whether there is any general demand for such legislation—and then we may refer it to a select committee.

The Hon'ble the President: Will the honourable member mention any date?

Rai Rajeshwari Prasad: From now, before the end of May 1932.

Chaudhri Muhammad Ali: (چودھری محمد علی)

حضور والا — آج میں ہنسنے ہنسانے کے لیئے نہیں کہتا ہوا ہوں اگر کوئی صاحب یہ خیال کرتے ہیں کہ یہ موضوع ایسا ہی کہ جس کے اوپر کوئی ہندوستانی یا کوئی انسان ہنس سکتا ہی تو وہ بڑی غلطی کر رہے ہیں۔ اگر میرے زبان میں طاقت ہوتی تو اسوقت میں رونے لانے کے اوپر تیار ہوتا۔ آدمی کی خود غرضیاں دنیا میں نہیں معلوم کس قدر گناہ اور تکلیف کا باعث ہوتی ہیں۔ لیکن شرافت کا کلیجہ اگر کسی نے خشک کیا ہی تو وہ اسی انسان کا بدگوشت ہی جس کو رندی کہتے ہیں۔ آنریبل ممبر کی انسان دوستی قابل داد ہی اور میں ممدوح کی تائید کرتا ہوں۔ اس مقام پر ایک سہلی (Simile) میرے ذہن میں آئی ہے۔ حضور والا۔ مشہور نائٹ آف لا ماشا دون کوکرت (Knight of La Mancha Don Quixote) جسوقت Wind mills کو جادو گر سمجھکر حملہ کرنے چلے تو ان کے اسکوٹر سائیکوپنزا (Esquire Sancho Panza) بھی ان کے ساتھ تھے۔ گذشتہ تجربات کی بنا پر سائیکوپنزا یہ نہ طے کر سکے کہ وہاں جاکر مال غنیمت ملیگا یا پتھر پڑیگی۔ میں نے جو آنریبل مسٹر احمدشاہ کی تائید کی ہے اسی طرح کی تائید ہی جیسے سائیکوپنزا دون کوکرت کے پیچھے پیچھے چلے تھے۔

آنریبل حافظ ہدایت حسین صاحب نے اس بل کو اپوز (oppose) کرتے ہوئے ایک آدھ جملہ ایسا فرمایا ہے جس سے ان کی ناروائف کاری تو ثابت ہوگئی لیکن یہ نہیں معلوم ہوا کہ واقف کاری کا اشارہ کس کی طرف تھا۔ اگر بجائے اس کے

[Chaudhri Muhammad Ali.]

کہ کسی دوسرے کی طرف اشارہ کرتے وہ صرف میری طرف اشارہ کر دیتے تو میں نہایت خوشی سے اُن کی بلا اپنے سر خود اُڑھ لیتا - اُس کو روکنے کی کوشش کرنا یا یہہ چاہنا کہ اِس بل کو نکال کر پھینک دیا جائے اِس سے کوئی فائدہ نہیں - اِس امر کی کوشش ایسی ہی جیسے کسی کے کوئی بڑا سا زخم ہو جس کی بدنمائی چھپانے کے لیے ہمیشہ اُس پر پٹی باندھے رہے اور اُس میں کوئی مرہم نہ لگادے - اگر اِس بل میں کوئی عیوب ہیں جیسے ہر انسانی کام میں ہوا کرتے ہیں - تو وہ عیوب اُمید ہی کہ سلیکٹ کمیٹی (select committee) میں بہت کچھ مت جائینگے یا بہت کم ہو جائینگے اور پھر جسوقت وہ بل اس ہاؤس میں آئیگا تو آپ لوگ اپنی کوشش سے اُن عیوب کو بھی دور کر دینگے - میں بحیثیت ایسے میمبر کے جن کو موور (mover) صاحب نے سلیکٹ کمیٹی میں رکھا ہی وعدہ کرتا ہوں کہ کوشش کر دنگا کہ اپنے دوسرے colleagues (کولیگس) کی مدد سے اس بل کو نہلا دھلا کر سجا کر اور عمدہ زیور سے آراستہ کر کے پھر حافظ جی کے سامنے پیش کر دنگا تاکہ اُن کی نارائف کاری وائف کاری سے بدل جائے -

The Hon'ble The Home Member سجا کر - نہلا دھلا کر -

Chaudhri Muhammed Ali (چودھری محمد علی) - جی ہاں - اگر مجھ کو اس بل میں کوئی نقص معلوم ہوتا ہی تو صرف یہہ ہی کہ لفظ برزٹھل (brothel) ایک عجیب وسیع معنی میں استعمال کیا گیا ہی - پوسنٹیزم (posnetism) ایک بالکل دوسری چیز ہی اور ہندوستان کا پیشہ جس کو کسی کا پیشہ کہتے ہیں وہ بالکل علیحدہ چیز ہی - والٹر ایم گیلیکن (Walter, M. Galichan, Havelock Ellis Otto Rothfeld) جو ایک بڑے آفسر I.C.S. کے تھے جو انہی بمبئی سے رٹائر ہوئے ہیں ان تمام لوگوں نے لکھا ہی کہ یہاں کی تشبیہ جو یورپ سے دی جاتی ہی اُس میں ایک بڑی غلطی کی جا رہی ہی ہندوستان کی کسی ایک بالکل علیحدہ چیز ہی ان کی حالت ہرگز ایسی نہیں جیسے یورپ میں اُن لوگوں کی ہی جن کے خلاف قوانین پیش ہوتے رہتے ہیں - یہاں ہندوستان میں لفظ کسی استعمال ہی جس کے معنی پیشہ ور کے ہیں اُس کے معنی یہہ ہرگز نہیں ہیں کہ وہ آؤت کاسٹ (outcaste) ہی بلکہ وہ اپنی خاندان میں بیٹھے کم اپنی تریڈیشنس (traditions) میں ٹین (maintain) کرتی ہی اگر کوئی صاحب اُس کے اُپر ہنسنا چاہتے ہیں تو وہ ہنس لیں لیکن اگر وہ سیکھنا چاہتے ہیں تو چند کتابیں مل سکتی ہیں اور وہ سیکھ سکتے ہیں لیکن اگر وہ کسی کو اُسی طرح سے تریٹ (treat) کرنا چاہتے جس طرح یورپ میں posnetism کو treat (تریٹ) کیا جاتا ہی تو اُس کا نتیجہ یہہ ہوگا کہ بھائی بہن سے ماں بیٹے سے جدا ہو جائینگے اور بجائے اُس کے کہ جہاں اب وہ ایک تریڈیشنس (traditions) میں ٹین (maintain) کرتی ہی اور مضبوطی کے ساتھ ایک قاعدہ پر چل رہی ہی سڑکوں پر اُسی طرح سے انسانیت کو ذلیل کر دیتی جس طرح سے یورپ میں ہر مقام پر دکھائی دیتی ہیں میں نے آنریبل

راے بہادر وکرماجیت سنگھ صاحب کی اسپیش سنی حافظ ہدایت حسین صاحب کی اسپیش سنی اور خان بہادر شیخ حبیب اللہ صاحب کی اسپیش سنی لطف کی بات یہ ہے کہ تینوں حضرات خطاب یافتہ ہیں اگر میں بھی خطاب یافتہ ہوتا تو شاید میں بھی ایسا ہی کہتا یا اور جب مجھ کو بھی خطاب مل جائیگا تو میں بھی اسی طرح سے میزرس (measures) کو اوپوز (oppose) کیا کرونگا *

زمانہ تھوڑے تھوڑے دنوں کے بعد کثرت بدلتا ہی یہ کہ کسی بڑے فلاسٹر کا قول ہی - میں نام بھی جانتا ہوں لیکن اُس کا نام ایک ریڈنٹری (pedantry) ثابت کرنا نہیں ہی ایک بڑے شخص کا قول ہی کہ زمانہ تھوڑے تھوڑے دنوں کے بعد کثرت بدلتا ہی اور اخلاق کے گذری میں اتنا صابن لگاتا ہی کہ گذری تو صاف نہیں ہوتی ہی لیکن صابن کا مولا پین اُس کے اوپر اضافہ ہو جاتا ہی - یہ زمانہ اسی طرح کا معلوم ہوتا ہی جب ہر شخص اخلاق کے نام سے کوششیں کرتا ہی کہ بد اخلاقی کو دور کرے لیکن نتیجہ یہ ہوتا ہی کہ بد اخلاقی جیسے تھی ویسی کی ویسی ہی رہتی ہی *

راے راجیشوری پرشان صاحب نے ایک موشن پیش کیا ہی میں اچھی طرح سے سن نہیں سکا کیونکہ جو رخ راے صاحب کا تھا اُدھر کے کان سے میں بھرہ ہوں - لیکن مجھ کو یہ معلوم ہوا ہی کہ اس موشن کا مطالب یہ ہے کہ اس میں کچھ دیر ہو جائے - میں آپ سے عرض کرونگا کہ آپ اس کے اوپر اصرار نہ کیجئے اس بڑے کام کو جتنی جلد ہی اچھا بنائیئے اُتنا ہی بہتر ہی - حافظ ہدایت حسین صاحب نے فرمایا تھا کہ ممکن ہی کچھ لوگ اس سے واقف کار ہوں - ممکن ہی کچھ لوگ ہوں کون جانے - میں یہ عرض کرتا ہوں - کہ

من از چہ عاشقم و اند و مست و نامہ سیاہ
ہزار شکر کہ یاران شہر بے گنہ اند

میں نہایت زور سے اس موشن کی تائید کرتا ہوں اور اُمید کرتا ہوں کہ یہ انریبل مونس کم سے کم یہ تو موقع اس کو دیکھا کہ سولائٹ کمیٹی سے نکل کر پھر یہ مونس کے سامنے آوے *

The Hon'ble the Finance Member : Sir, I am not quite sure whether immorality is a reserved subject or a transferred subject. Assuming, however, that it is a reserved subject, I have not much to say on the merits of the question or its demerits. Government thinks that the Bill is idealistic and very much doubts whether it will be able to put it into complete force. At the same time it sees no reason whatever to oppose it. Government members will vote on the proposal as they please. They may have their own opinions on it, and I see no reason why they should not give expression to them. But as Government we are neither for nor against the Bill.

Rai Bahadur Babu Jagadeva Roy : Sir, I have heard enough on the subject and it is not my intention to repeat what has already been suggested.

[Rai Bahadur Babu Jagadeva Roy.]

But in supporting the honourable mover of the Bill I will add a few points which have not hitherto been discussed. Starting from this point of view, my submission will be that certainly there are a few provisions in existence in some form or other to meet cases which can be dealt with on the criminal side. An instance of that was pointed out by my honourable friend, Hafiz Hidayat Husain. He also pointed out that there are provisions in the Municipalities Act to have a check on immoral traffic. Another honourable friend of mine has said that in bringing the provisions into effect difficulties have arisen and that has led to the conclusion that these provisions are not adequate. I would add one more reason to that argument. The arguments advanced up to this time have led me at least to infer that such a sort of evil does exist in the country, chiefly in towns. This is what I infer from the arguments advanced, because the Municipalities Act, as a rule, applies within the municipal areas, in other words, urban areas ; but, Sir, the greater part of the population live in rural areas. So it appears to me that if the municipal law were to be strengthened by the select committee in connection with this legislation from this point of view that the municipalities might succeed in rooting out the evil then the result of that would be that migration will take place from urban to rural areas. So, from this point of view, I would submit, Sir, that the municipal law cannot do away with this evil successfully and, therefore, it is very necessary to have legislation which will have effect over the whole province. My submission, therefore, is that legislation is certainly needed. Now there are difficulties which are experienced from some quarters as appeared from the arguments of the Hon'ble Sheikh Habibullah Sahib. Sympathizing with his experience and at the same time sympathizing with his old age I would just remind him of certain points which would enable him to join issue with the House. He considers, in the first place, that the evil existing at present is not very much and in the second place he is of opinion that it would bring a bad name to India. So my submission is, Sir, that beyond all doubt the evil exists all over the world. Remedies are being sought everywhere in some form or other. The simple question is whether our present attempt will enable us to achieve the particular object which is before this House. As regards this there can be only one answer that the object is bound to be achieved sooner or later. If it is a difficult problem, certainly it will take longer time. If it is an easy one, it can be achieved sooner. But where is the reason to say that no attempt should be made to achieve the object even if it is difficult. There can be absolutely no reason whatsoever to put forward a plea against the motion. We have got the Civil Marriage Act in force ? That also enables one to get over a difficulty like this. Therefore, my point is this, Sir, that if one cannot avoid having more than one wife, one can have more legally and he cannot be outcasted by society too. Similarly, there are other courses open and by adopting those courses the object can be achieved. For these reasons I am of opinion that every attempt on constitutional lines should be made to get rid of this evil which is undoubtedly prevalent in this country in some form or other.

Kunwar Jagbhan Singh : At this stage I am not going to deliver a long-winded speech on this topic, because all that could be said for or against the Bill has been said already. At the same time when an

Important legislation like this comes up before the Council, it behoves us to carefully examine it and to see whether the measure is practical.

I greatly appreciate the humanitarian spirit which led the honourable mover to come forward with his Bill. He has evinced a keen interest in problems affecting the depressed classes and untouchability, and we are all familiar with the resolutions which he brought forward at the last session of the Council on these subjects. Nevertheless, it is important that we should examine his Bill from a practical standpoint. We all know that prostitution is rampant not only in India but in almost every other country of the world. Then, Sir, this is not the bane of the existing civilization alone. It has been prevalent all the world over from time immemorial. Apart from the merits or demerits of this institution, the fact that it continues to this day from time immemorial shows that it has some stability behind it. After all, we are human. It is easy to dream of a modern Utopia where everybody is virtuous and where everybody is endowed with good qualities, but unfortunately we are not in Utopian days. We are in a world where an average man has human weaknesses, and we must allow a margin for that. Now, Sir, the Bill before us refers to a human weakness which it is impossible for human beings to shake off and this weakness is very much like so many other weaknesses. Now, we must examine this Bill from that point of view. I submit that the appetite for sex is essential for the continuance of human race. This institution has been in existence in the West up to this day despite the birth of several social reformers there. The people of the West have been alive to these social evils and have indeed written several books on sociology and other kindred subjects. Now, in this country of ours, in the matter of marriage in particular, the expectant bride or bridegroom has no say whatever. The parents of the boy and the girl negotiate the marriage, and no liberty whatever is allowed to the individuals concerned. We have to take all these evils into consideration and then see whether it would be justifiable to liberalize the people or to still restrict their liberties in a manner like that. The people of the West have been trying their best to check the white slave traffic in their own countries, but unfortunately they have not succeeded. The League of Nations itself has appointed a commission to investigate this traffic, and the commission is going to report on that. But all the same they could not succeed in that. In the West itself, where they have so many liberal ideas, and they are particularly liberal with regard to the choosing of the mates, they could not succeed with these evils, where ladies and gentlemen both have perfect liberty to choose according to their wish. How on earth can you in India succeed in combating this evil, where so many obstacles intervene. You can apply them much less here because the husbands have no choice in the matter and the parents some times for pecuniary gain or for other motives, such as lineal importance or family status, etc., divorce the interests of their sons and girls and marry their children with undesirable persons. In such circumstances how can you expect that a man who has been mated to an undesirable wife or a lady who has been mated to an undesirable husband will be able to live whole of their lives very happily. Then you have not given them divorce facilities. Now considering all these things if you still wish to restrict the liberties, whatever they have got, I think it is unjustifiable. The motive underlying the Bill is very praiseworthy and I am quite for the principle of the Bill, that it should be passed and that prostitution

[Kunwar Jagbhan Singh.]

should be suppressed; but the difficulty is that seeing all these drawbacks in our society, we will not be justified in restricting the liberty of disappointed people. Then as regards the question of prostitution. My idea is—I am open to correction—that perhaps most of the public, who frequent these brothels, come from those communities where the people have got very restricted and illiberal notions and the young people have no option to choose their mates. In other societies where the people are more enlightened and where they choose their mates, the young people do not resort so much to prostitution. It is only in that section of the society where the young people have not got any hand in matters of marriage that the evil exists. Therefore it goes to prove that what we really need is a social adjustment of the whole situation. We need to have to look over those things from a different stand point and to incorporate in our social laws, both Hindu and Muhammadan, liberty to choose their mates and also to afford facilities for divorce. Unless you do not give younger generations these facilities, they are apt to behave in the manner in which they do at present. Therefore I praise the motive of the Bill, but at the same time request the members of the select committee that they should do their best to get over the difficulties which will beset the uniform application of the Bill.

Thakur Balwant Singh Gahlot: Sir, much has been said on either side. Some of the members have spoken for the motion and some against it. So it seems to me that the House is divided on this question. But all are of the opinion that this evil should be eradicated. There is, however, a difference of opinion as to how to eradicate this evil. It is certainly a social evil; in eradicating this evil by passing a legislation of this sort there is a danger that this evil may not take a course which would be more dangerous for the society, as one of the honourable members said. One honourable member supported the motion by putting forward an argument that our country is a poor country and that a lot of money is wasted on these prostitutes.

I submit that on account of poverty many people are not married. What remedy is suggested for those people? They have got no families and unfortunately they are without wives. In that very town from where the honourable member who put forward that argument comes there are many such people, because it is an industrial town and many of the workers are without any families. By passing this legislation we would put a stop to the institution. What would be the fate of those people? I think it is better that, instead of passing this Bill, we improved the state of society through religious institutions or other social reforms. If this drastic measure is passed and put into effect, what would be the fate of those girls who are already in the profession. Will some of the people be willing to have them? They may be doing it now, but openly they will not.

My honourable friend has moved an amendment that it may be circulated for eliciting public opinion thereon. That is a sound proposal. At least in this particular case when the House is divided evenly, I think it would be better if we invite public opinion on this question. If the people outside the House wish that this evil should be eradicated by legislation, then they should say so publicly. With this view I support the amendment of Mr. Rajeshwari Prasad.

Mr. E. Ahmad Shah: Sir, in my opening speech I did not think it expedient for the time being to bring all the points that I wanted to adduce in support of the Bill. I thought that perhaps the introduction of this Bill and its reference to a select committee would be merely a formal matter and that it did not require strong support for placing the Bill before the House. But from the speeches that have been delivered on the floor of the House it seems that it is necessary for me to give my reasons for taking up this Bill and presenting it before the House—not for consideration at once but for sending it to a select committee, so that it may be looked at from all points of view and brought back to this House for final consideration at a later stage. There have been no less than 13 speeches. It indicates the interest which the members of this House have in this matter. I will take up the salient remarks that have fallen from the lips of my honourable colleagues. To begin with, my friend, Shaikh Habibullah; he referred to the fact that the mover has not taken notice of the scope of the Bill and its application to the whole of these provinces. I would like to state that in the Bill I have very expressly indicated that this Bill, if it is accepted by the House, should not be passed into law at once. I have left it altogether to the good will of the Government to consider it carefully as to where and when the Bill, when passed by legislation, is to be applied. Therefore members should not be in a nervous disposition to think that as soon as we have accepted the provisions of this Bill it is enforced into action at once. That is not my intention and I have not the power to do so. Perhaps if I had the power I might have enforced it instantaneously, because to my mind the evil is such that it should be stopped or at least law should be brought against it so that it may be checked as far as it can be. But, however, its application is left in the hands of the Government.

Then some members referred to the fact that there are certain provisions in this Bill that are very drastic and which cannot be accepted. That may be so, but we must remember that if they are drastic you have all the opportunity and every facility to modify them and bring them back to this House in such a form as may not appear to be drastic. I shall be perfectly willing to sit with my honourable colleagues and thresh out all those points and modify them which now appear to them so drastic that their application is impossible. Therefore the arguments that were levelled against sending the Bill to a select committee from the point of view of its being drastic on certain points does not hold good. They can be modified.

There was another stock argument presented by those who opposed my Bill to its being referred to the select committee. That stock argument is that theoretically the contents of the Bill are all right. Some said that from the humanitarian point of view the Bill is very laudable. One said it is noble. But as soon as they have made that statement the next statement which they made was that it is a Bill which cannot be applied to our province. I want to make it very clear that if a thing is right, it is right not only in its principle, but it is right also in its detail; for a thing cannot be right in principle as a whole, if its details are wrong. If it is right as a whole, its details, which are now considered from the point of view of their applicability, must necessarily be considered right. Either you object to the parts not being right and condemn the whole in principle; or if you accept the rightness of the principle as a whole, you should

[Mr. E. Ahmad Shah.]

accept its details in their application. I cannot see how you can accept it in theory and then say it is not required because it is not applicable to the social conditions as they exist. I would very clearly state that if it is theoretically the right thing, if it is right in its principle, then it should be considered right in its details and their application.

Sir, I am rather amused to think that some of the members considered this Bill as if it is aimed at putting a stop to certain amusements, the amusement in question was supposed to be provided through the avenue of the continuance of this class of people against whom this Bill is intended. If we think that this indulgence is an amusement, I cannot agree with any member no matter what strength of argument he may have. How on earth can we consider that this class of people against whom the Bill is directed is a class of people which provides amusement. Sir, amusements may be good or bad. If to some one of us this class of people does provide amusement, it will be an amusement of a very objectionable type and I would very strongly suggest to the members not to give their support to them. Instead of supplying an amusement, they are radiating obnoxious influences which are killing the flower of our society. We should pay no heed to such flimsy arguments. Talking again on the same lines about the provision of amusement to us, Sir, reference was made to dancing girls and it was suggested that in Europe the dances are recognized and houses are provided where this practice is indulged in. No one objects to the dance. It is one of the means of providing a healthy exercise. It is not only recognized but definite measures are adopted to open up halls and places where people are taught and encouraged to take this exercise. If dancing is such no one is against that aspect of the amusement; but, Sir, if under the cover of dance, and indications there are before us which make dancing only a screen, evil practices are indulged in, then I will say in unmistakeable terms that such dances should be prohibited.

There was one other point raised by my friend, Khan Bahadur Hafiz Hidayat Husain. He said that the provisions of this Bill are not necessary because the evil as it exists is mostly confined to central towns, mostly municipal towns. He suggested that municipalities are already empowered with certain legislation to cope with this evil. I recognize, Sir, that the municipalities have got some powers to cope with this evil. But we are to look at it as a social evil, which, though it may be found in the central towns, threatens society everywhere. In the central towns it may be definitely known to exist, the places may be located; but can we say that this evil does not exist in the rural areas also? I am prepared to accept that it is not so prevalent in the rural areas, but what will happen if we leave it only with the municipalities to check the evil and make no provision to check it in other than municipal areas. My friend Jagadeva Royji has very clearly indicated that if we do not look at it from the whole provincial outlook what will happen if the municipalities begin to check it. The evil, which perhaps now is not so prevalent in the rural areas, will be found in a very virulent form. It will devastate the rural public in a most heinous manner. Therefore, Sir, we ought to have foresight enough to look ahead and accept a legislation which will not only safeguard the central towns, but which will also keep in view the rural areas where at present it does not exist in a deadly form, but is liable

to spread in a most ghastly manner. Therefore, Sir, I infer that it is absolutely necessary that this Bill be taken up and sent to the select committee. It is a necessary Bill : it is not an unnecessary measure.

Another point was suggested by my honourable friend, Hafiz Hidayat Husain Sahib, referring to certain clauses in the Bill as it stands. The reference was to rescue homes. It was maintained that in our province rescue homes are not in existence, or if they are in existence they are not recognized as such. I should like to say that rescue homes are found even at present. Recognition may not have been given, but as soon as this legislation is considered, we shall be able to know that there are a number of places organized, managed and run by philanthropic societies, i.e., agencies who have the good of the persons at heart. They have already provided number of places to protect and receive such unfortunate persons as are under our view to-day. In view of this objection raised by the honourable member of the House I do not see how we cannot take up the Bill and refer it to a select committee.

Another objection was raised, and I think it was an objection raised for the sake of raising an objection. It was concerning the ascertainment of age. The Bill provides that the question of ascertaining of age of the person concerned should be left to the highest authority in a particular district, which is a civil surgeon. Well, it was suggested a civil surgeon may say that the age of a person is such and such and another doctor may differ from that opinion, and the implication was that, inasmuch as there is a difference of opinion about the age of the person concerned, the difficulty exists, and therefore this Bill as drafted is not acceptable. Yes, Sir, we can look upon even the most perfectly drafted Bill, or even the most ideally constructed scheme of measures which may be placed by any person or any body of persons and we can always find out certain difficulties and certain drawbacks, but the question is whether these difficulties and drawbacks are cogent and strong enough to make us pause in considering a measure which is decidedly for the good of the society and for the uplift of mankind. If these difficulties do exist, then the reference of this Bill to a select committee is the only suitable means by which they can be removed and there is no reason why it should not be so referred.

One of the honourable members suggested that there was no use for such legislation and that other means should be adopted whereby we might be able to remove the objectionable features from the society. I for one will never be against the adoption of any such measures. Bring as many measures as you think necessary for combating either this evil or any other evil. Devise as many measures as you like, think about them and bring them before the House and you will have my full support. But this is a measure almost like those which have already been considered in other sister provinces, Bengal, Bombay and Madras. Two of the presidencies have already accepted two such measures. I may inform at this stage some of my honourable friends here that in Madras a measure was taken up and seen through the Legislative Council by a lady with whose name most of us here are acquainted—Mrs. Mutthu Lakshmi Bai Reddy. If the honourable members had taken the trouble to read the discussions that took place in the Madras Legislative Council in connection with the consideration of a similar Bill, they must have found—if

[Mr. E. Ahmad Shah.]

they now take the trouble of reading them, they will find—what were the difficulties and what measures were adopted to solve them. It was only in 1930 that the Bill was passed and accepted as a legal Act. Therefore, Sir, I submit that at present we are only considering whether or not the Bill be referred to a select committee, and if there are any difficulties or drawbacks in the Bill as it is at present drafted, the Bill can be suitably modified in order to meet those difficulties and any section found unsuitable can be replaced by another better section. What I urge before the House is that when every one of us feels that the Bill which is now before us is acceptable on humanitarian grounds and that it is meant for the good of the society, there is no reason why it should not be referred to a select committee. We should not bring a slur on the House by throwing out the Bill at this stage. Let us not give any occasion to a critic who may say that a particular measure was brought before the House for the reform of the society and it was not given even so much consideration as to refer it to a select committee.

Shaikh Muhammad Habibullah: May I ask whether this Bill is introduced with a view to stop prostitution or the brothel system?

Mr. E. Ahmad Shah: The bill is introduced to check it.

Shaikh Muhammad Habibullah: Is it the intention of the Bill to stop prostitution or to stop the brothel system?

Mr. E. Ahmad Shah: I state again: To check it.

The Hon'ble the President: The motion made was that the Bill to provide for the suppression of immoral traffic in the United Provinces be referred to a select committee and that for the select committee a certain number of members be elected to which an amendment has been moved that the Bill be circulated for the purpose of eliciting opinion before the end of May 1932. I shall first put the amendment to the House.

The question is that the Bill to provide for the suppression of immoral traffic in the United Provinces be circulated for the purpose of eliciting opinion before the end of May 1932.

The question was put and negatived.

The Hon'ble the President: I shall put the motion in two parts, first the part relating to the reference of the Bill to a select committee and second the part relating to its personnel.

Mr. E. Ahmad Shah: I would like to include the name of Mrs. Srivastava also.

The Hon'ble the President: That would come later. The question is that the Bill be referred to a select committee.

The question was put and agreed to.

The Hon'ble the President: The other part of the motion about the personnel of the select committee I throw open to amendments if there are any more suggestions to be made.

Mr. E. Ahmad Shah: I would like to add the name of Mrs. Srivastava.

Babu Ram Bahadur Saksena: I would suggest the names of Messrs. Prem Ballabh Belwal and Brijmandan Lal.

The Hon'ble the President : The names originally named in the motion were—

- (1) Raja Jagannath Bakhsh Singh.
- (2) Rai Bahadur Thakur Hanuman Singh.
- (3) Nawabzada Muhammad Liaquat Ali Khan.
- (4) Chaudhri Muhammad Ali.
- (5) Raja Bahadur Kushalpal Singh.
- (6) Rai Sahib Babu Rama Charna.
- (7) Mr. Zahur Ahmad.
- (8) Mr. J. R. W. Bennett.

Of course the member in charge of the Bill, viz., Mr. Ahmad Shah, will be an *ex officio* member and the Member of the Government in charge of the department concerned—I take it he would be the Leader of the House—will be the chairman.

The Hon'ble the Finance Member : The matter is of such importance that I should think the Hon'ble the Home Member should preside.

The Hon'ble the President : Members elected by the House can only be ten. Eight were originally proposed ; three more have just now been suggested, viz., Mrs. Srivastava, Pandit Prem Ballabh Belwal and Mr. Brijnandan Lal. Unless there is a withdrawal, it will mean an election by single transferable vote.

Mr. Brijnandan Lal : I beg to withdraw.

The Hon'ble the President : The question is that for the select committee the following members be elected :—

- (1) Raja Jagannath Bakhsh Singh.
- (2) Rai Bahadur Thakur Hanuman Singh.
- (3) Nawabzada Muhammad Liaquat Ali Khan.
- (4) Chaudhri Muhammad Ali.
- (5) Raja Bahadur Kushalpal Singh.
- (6) Rai Sahib Babu Rama Charana.
- (7) Mr. Zahur Ahmad.
- (8) Mr. J. R. W. Bennett.
- (9) Mrs. Srivastava.
- (10) Pandit Prem Ballabh Belwal.

The question was put and agreed to.

THE UNITED PROVINCES DISTRICT BOARDS ACT (AMENDMENT) BILL.*

Mrs. Kailash Srivastava : I beg to move for leave to introduce a Bill to amend the United Provinces District Boards Act, X of 1922.

The Hon'ble the President : The question is that leave be given to the honourable member to introduce a Bill to amend the United Provinces District Boards Act, X of 1922.

The question was put and agreed to.

The Hon'ble the President : Will the honourable member introduce the Bill ?

Mrs. Kailash Srivastava : I introduce the Bill.

(*After a pause*): I beg to move that the Bill be taken into consideration.

The Hon'ble the President : If the honourable member has anything to say about this Bill she may do so now.

Mrs. Kailash Srivastava : The object of the Bill is to add one woman member to every local body. I think, Sir, that not much argument is needed from me to make out a case for this very modest demand of women. There are a great many things dealt with by local bodies in which consideration of women's point of view should be of great value. I ask, Sir, what do men know of such things as maternity aid and child welfare. Women's views are not heard on matters which affect women and children's interests. I would not be so foolish as to say in a Council composed almost entirely of men that men do not have women's interests at heart and that they deliberately allow our interests to suffer. But even so, Sir, I may be permitted to ask for just one woman to be taken into every local body. I am sure that her presence will improve matters. It will improve the tone of discussions. I need not say much more to commend the very modest demand of women to this House, Sir. There is no chance for women to get into local bodies by election and therefore I shall be obliged if the House will allow women to have one seat in every local body. I have failed to secure the nomination of even very deserving women. In spite of my great efforts Government have nominated only three women to the district and municipal boards of the whole province.

I am not in favour of nomination, but as long as the present qualifications for election remain we women can only enter local bodies by means of nomination. I hope the Council will accede to my request. I will say no more.

Khan Bahadur Maulvi Muhammad Fazlur Rahman Khan : I beg to move Sir, that this Bill be referred to a select committee. The Bill appears to be, at the first sight, a very simple and innocent measure. But in connection with it many important points are to be considered. I must apologize to the honourable mover, for my motion, which, if accepted by the House, will delay her Bill a little. But when an important legislation is undertaken it is always wise to think twice. There are many strong reasons which can be advanced in support of the Bill. At the same time equally strong arguments can be advanced against it. They must be thoroughly examined before the Bill is put on the statute book. For instance, the purdah system will have to be taken into consideration. It will have to be seen whether women have ever tried to seek elections; and, if so, with what results. Personally I am not in favour of too many nominations. Nomination is a sharp double-edged dagger and in my opinion it will be unsafe to add one more dangerous weapon to the armoury of Government which is already too full.

The Hon'ble the President : But the whole principle of the Bill is nomination. No reference to a select committee can change that principle. The member sought to be included on boards cannot be elected.

Khan Bahadur Maulvi Muhammad Fazlur Rahman Khan : I am not opposed to nomination altogether, but I want that there should be some restrictions.

The Hon'ble the President : That is another matter. I thought the honourable member was speaking against nomination.

Khan Bahadur Maulvi Muhammad Fazlur Rahman Khan : No, Sir. The power of nomination as it stands in the Bill is not subject to any limitations or conditions. In my opinion if Government is to be given this power certain restrictions ought to be there. At the present moment it is very difficult to foresee the effect of this amending Bill on the interest of the various communities. The Bill was not published in the Government Gazette and the public is quite ignorant of its provisions.

The Franchise Committee is seriously considering the question of female representation on local bodies. If the recommendations of that committee do not fit in with the provisions of this Bill another amended Bill will have to be brought forward in the near future. It is unwise to change the law very frequently. Under these circumstances a little delay in the passage of the proposed Bill is likely to be of great advantage to the parties concerned. For these reasons I commend my motion to the acceptance of the House.

Rai Bahadur Babu Brij Lal Badhwar : I support the Bill moved by Mrs. Srivastava asking the Government to nominate one woman in each municipality and district board in this province. Sir, the demand is very reasonable and I could hardly imagine if there could possibly be any opposition to this.

My honourable friend, Khan Bahadur Maulvi Muhammad Fazlur Rahman Khan, having his experience of local bodies knows the difficulty in the institutions for women in not having any women available for inspection purposes, for hospitals for women and the girls' schools. My honourable friend says that on account of purdah women are not available, but nowadays we can find Hindu, Muslim, Christian ladies in every district who are not in purdah and who are willing to come forward to co-operate in these local bodies. We should rather be proud that our women are coming forward to co-operate with us and to share in the responsibilities of the administration of the country. I would request the Hon'ble the Minister for Local Self-Government to consider this Bill more sympathetically than he did in giving a reply to a question of the honourable mover of this Bill the other day in the House. I think the demand made in this Bill is very reasonable—that only one woman should be nominated to each municipality and district board. If this demand is not listened to, I think the women will have a more vigorous fight; they will not sit idle. In these days, I believe ignoring the claims of women is playing with fire.

Rai Bahadur Babu Vikramajit Singh : Sir, I welcome the introduction of this Bill by Mrs. Srivastava and I congratulate her on this. Although this Council has been in existence for the last ten years and although there have been 123 members in the Council it is very much to be regretted that no member ever thought of introducing a Bill of this nature until Mrs. Srivastava came in here and brought forward this Bill in order to safeguard the interests of women. This is a very modest measure and I do not see why there should be any objection to it on behalf of Government. But a motion has been made that this Bill be referred—

[Rai Bahadur Babu Vikramajit Singh.]

to a Select Committee. Considering that there may be certain things to be threshed out, considering that there may be provisions in it which may require careful consideration I have no objection to support the motion that the Bill be referred to a Select Committee. It is of course absolutely necessary that ladies should be on the district and municipal boards and we know it very well that they cannot go into these boards by means of election. The only way in which they can get into the boards is by means of nomination. As this Bill claims only one seat on the district board I think it is a very modest and very innocent claim and there can be no objection to accept a claim of that nature. I might also be permitted to say that the reasons which have been advanced by my honourable friend, Khan Bahadur M. Muhammad Fazlur Rahman Khan, may not be very sound, because after all if the ladies had not been in purdah we would have found them competing in all elections and claiming many seats. It is only because that they are in purdah that one seat is claimed here. There are a number of competent and educated ladies who do not observe purdah and there is no reason why they should not be permitted to go on the Boards. I, therefore, give my support to the motion before the House, that the Bill be referred to a Select Committee, and we hope that the Council will be able to pass this Bill at a very early date.

Rao Bahadur Thakur Bikram Singh: Sir, we have to look at this Bill which has been moved by the honourable mover, Mrs. Srivastava, from the point of view of fairness. It is a simple, just and fair measure and we are all satisfied that she has put forward a modest demand for one lady representative by nomination on every local board. With your permission, Sir, I would congratulate the noble lady on her splendid idea of introducing this Bill before the House and I join with the previous speaker in expressing regret that during the past none of the men thought of it. I am sure that Mrs. Srivastava's name will be recorded in the history of this Council as a sincere well-wisher of her community. We all know, Sir, that the generation is brought up by women, who build the nation, and I see no reason, therefore, why they should not have a voice of their own in the matters that are coming before the boards such as maternity and child welfare. As has been pointed out by my honourable friend, Khan Bahadur Maulvi Muhammad Fazlur Rahman Khan Sahib, there might be some handicap for purdah ladies, but it is quite possible to find some advanced ladies of liberal ideas who might like to come and sit with us on local boards and such ladies should be given a fair chance. As regards nomination at present I will welcome the idea of one lady being nominated by the Government. My friend Khan Bahadur Maulvi Muhammad Fazlur Rahman Khan advanced an argument that ladies have never sought election. It may be true, but by nominating them the Government as well as the Council, would be encouraging ladies to seek elections even if they do not get nominations. It will be sheer encouragement to the ladies. And once when they are nominated by the Government they will naturally feel encouraged to seek elections. Of course I do not object to the Bill being referred to a Select Committee, but I think, Sir, that it might involve some unnecessary delay. However I am not opposed to it and as some of the previous speakers have supported its being referred to a Select Committee I agree with them and I hope and pray that the Select Committee will consider this Bill very sympathetically. The question is absolutely unchallengeable that

Mrs. Srivastava has put in a very fair and reasonable claim and it will be a matter of great regret rather shame if this demand is turned down. Let me, Sir, with your permission, once more congratulate Mrs. Srivastava for the very modest and innocent Bill she has brought before the House and I am sure that all the ladies in the province will feel highly indebted to her—in fact Mrs. Srivastava has today justified her nomination in this House on behalf of the women.

Mr. Brijnandan Lal : I rise to oppose the motion which has been made for the reference of the bill to a Select Committee. I congratulate Mrs. Srivastava on having brought forward this Bill, and I congratulate the House on possessing such an excellent advocate of the rights of women as the honourable mover. It is a pity that during the last so many years, not a single member ever thought of bringing forward a measure like this before the House. This fact alone shows how men are anxious to protect the rights of women, what have they done for the women? The women have not been given the right of property, or the right of divorce. Men have kept the women in purdah. Such being the state of affairs it is reasonable to expect that Mrs. Srivastava's modest request is not refused. I submit that it is the woman alone who can protect the rights of women. The fact that no right of property has so far been given to a woman has made the right to vote, which she now has, quite useless. As women have no property in their own right, there are very few women who have been enfranchised. We must march with the times. The time has already come when we must give the woman her right, or else we will soon be faced with a suffragist movement in this land.

I submit that the motion to refer the Bill to a select committee is in the nature of dilatory tactics. What is there that needs to be threshed out in a Select Committee? The Bill consists of a few amendments which can at once be taken up for consideration. To my mind it is hardly necessary to refer the Bill to a select committee. In a matter like this we should not be guided by any outside considerations. The existing condition of India is due to the enslavement of women, for which we are responsible, and it is now up to us to emancipate them. If we reject this Bill, we will demonstrate to the world that this province is not fit for constitutional advancement.

The Hon'ble the President: There is no question of rejecting the Bill here. There are only two points for consideration: (1) whether the Bill should be immediately taken up for consideration, or (2) whether the Bill should be referred to a Select Committee.

Mr. Brijnandan Lal: As I see it, the object of the motion to refer the Bill to a select committee is really to delay the measure in the hope that it may eventually be rejected by the House. For these reasons I oppose the motion for the reference of the Bill to a select committee.

Thakur Giriraj Singh: I rise to support the motion moved by Mrs. Srivastava, not because it has been moved by her, but because it is moved by a woman, a cultured lady, and so I feel that it is one which should meet with our ready support. Indeed, it should have been better if the motion had been brought forward by one of us. If we look at section 6 of the District Boards Act, 1922, we find the word "person" mentioned there, so that of the two nominations to be made, one can be that of a woman. It is a lamentable fact that so far one class of persons, namely

[Thakur Giriraj Singh.]

the women, have remained unrepresented in the District Boards. There was no bar to their being nominated to the boards under section 6, but nothing of the kind was ever done. It is not out of place to mention here that the framers of the Act, being all men, never cared for women. Women have hitherto been ignored in the matter of elections. I do not know of a single woman who has been elected as a member in a general election.

Rai Bahadur Thakur Hanuman Singh : Did any woman ever seek her election ?

Thakur Giriraj Singh : I can give one instance from my experience where the wife had to retire from the field in favour of her husband under pressure. It would have been much better, if the husband had retired in favour of his wife. In the matter of election to the education committees of the boards I would suggest that at least one member should be such as has taken an active interest in girls' education, but has a woman ever been elected to the education committee of the board ? Perhaps not. What is done is this, Sir, that one man, who has got no interest in girls' education at all, is also taken as a member simply to please one party or the other. Supposing one party wants to become the chairman of the education committee, he is sure to nominate one such man of his party that he may give his vote for him. In some districts there is very little regard for women. To give an instance, suppose there is a pony or horse of the family and the husband and wife both want to go to some place, then the husband will ride the pony and the wife will walk on foot. Whereas in other districts they have more regard for women, and then if husband and wife have one pony, the wife will be made to ride and the husband goes on foot. Similarly is the case in regard to food. In some districts the husbands take rich food and the ladies the worst kind of food.

The Hon'ble the President : It is very interesting to hear all these practices, but time is flying.

Thakur Giriraj Singh : Section 6 of the District Boards Act runs thus—"that one of the nominated members will be selected from among the depressed and backward classes." There is an amendment of 1929 to the above section. The amendment is something like this : "One of the nominated members shall be selected from among the depressed and backward classes and the other shall be representative of a class in the rural area which has remained unrepresented on the board of the general election : provided that neither of the said two members shall be a Government servant nor a person who was defeated at the preceding general election." It was found necessary by the honorable member that the number be increased to three, because no woman was nominated to represent that sex when the number was two. So I think, Sir, the number that is, three, is quite good, because thus one woman gets one seat.

As regards the reference of this Bill to the Select Committee, my opinion is that it should not be referred to the Select Committee. Only those Bills are referred to a Select Committee which are of vital importance, and I think that this is not so important a measure. The question is pure and simple as to whether the number should be two or three and whether the House really wants to give a seat to the woman. This can be decided by the House without referring the Bill to the Select Committee at all. With these few words I support the Bill wholeheartedly.

Shaikh Muhammad Habib-ullah : I rise to congratulate Mrs. Srivastava for having brought up this motion. Those who know Mrs. Srivastava are well aware that her zeal and devotion to the progress and advancement of womanhood know no bounds. Perhaps, if I exaggerate not, more than half of her time is spent in the interest of and in framing schemes for the advancement of the education of women. Her name is seen everywhere where the interest of women is involved. The broad measure which she has brought forward today is nothing but educative. People think that perhaps she has brought forward this motion in order to get for her sex a representation. But they forget that the motive which has led her to bring up this motion is different. She feels that there should be no sex difference in India, and I think that everybody who now realizes the feelings of the present women will agree that a woman's right in everything should be equal to that of a man. But practical difficulties lie owing to customs that have prevailed so far and which have not given women an opportunity to come forward and work shoulder to shoulder with men. This is what Mrs. Srivastava wants to undo. She wants women to come and sit by the side of men and see for themselves what is wanted for the progress of their sex. Having that in view, she has suggested that in all local bodies like the district boards there should also be a woman to help men in order to take measures for spreading the education of girls and in other directions in order to emancipate the women and in order to expedite the ambition which is today in the heart of every woman to come out and work side by side with men.

Now, Sir, some of the members have suggested that, although Mrs. Srivastava's claim is right—and they praise her for having brought up this Bill—yet the suggestion is thrown that the Bill may be referred to a Select Committee. Certainly I will not like to commit myself to any opinion, but I leave it to Mrs. Srivastava. If she wants the measure to be passed today, I will support her. I leave it to her sweet will to have the Bill passed today or to postpone it. There is no doubt that the measure is laudable and requires the support of everybody in the House.

The Hon'ble the Minister for Local Self-Government : Sir, if I have risen it is not with a view to give any expression of feeling against the Bill. There cannot but be a general sympathy all-round in this House and Mrs. Srivastava has every reason to feel elated that she is the first woman in the House who has put forward a claim on behalf of the women to be represented on the municipal and district boards. But the fact with which we are mainly concerned is this—the question is not that the Bill should be opposed, as everybody has sympathy with this idea—but that, as has been suggested by an honourable member, the Bill be referred to a Select Committee. The Bill has not yet been published. We have not been able to consider the Bill carefully and we do not know exactly what the consequence of this apparently simple amendment would be.....

The Hon'ble the President : Well to that I may say that the Bill was printed 22 days ago and circulated to members. It was even sent to the press. If the Hon'ble Minister wants the Bill to be sent to a select committee, that is another matter.

The Hon'ble the Minister for Local Self-Government : I meant that the Bill after its introduction would be published and then there would be time enough to consider seriously the whole Bill and see what further

[The Hon'ble the Minister for Local Self-Government.]

improvements could be made in it. Obviously this is a matter of legislation and not the one which you simply discuss in principle and stop there. There are various things which you cannot detect by simply looking at the Act or the Bill. You will detect them only when you consider the Bill very carefully in the select Committee. I am sure the honourable mover herself will sympathetically consider this proposal of referring the Bill to a select committee, so that it may be considered in all its bearings and emerge in a form which may be acceptable to all concerned.

Hafiz Muhammad Ibrahim: I join the honourable members of this House in their chorus of praise to Mrs. Srivastava. I quite recognise that she has awakened us to a pressing need of the country by introducing the Bill that is before us. A dilatory motion has been moved by Khan Bahadur Mr. Fazlur Rahman. He wants us to refer this motion to a select committee. I listened to his speech with attention in order to find out anything which could justify the delay advocated by him. But I am sorry to say that barring one thing, he has not said anything which could in any way justify that course. That one thing was something very vague about *purdah*. Perhaps he meant that before passing this Bill we should cause and consider the effect of it on those women who are observing *purdah* and on account of which they cannot come and sit by the side of men on the local boards. I do not want at the present moment to enter into the merits of that aspect, but as far as the point raised by the honourable mover of this dilatory motion is concerned, I think either he should oppose the Bill, the very principle of it, and say clearly that the day has not come when we should allow women to sit side by side with men and take part in the administration of this country. I do not see any wisdom in delaying the passage of the Bill and keeping it suspended for a few months. If it is referred to a Select Committee I do not think that within a period of one month, two months or three months we will be able to devise any machinery for the purpose that he has got in view. As he has not opposed this Bill he is committed to the view that the Bill is a sound one. He may be taken to admit that it is a desirable Bill and should be accepted by this House. There is no need for us to refer it to a select committee. The necessity for referring a Bill to a select committee arises only when very grave questions of difficult nature are involved where we have to solve the difficulties and thresh out the questions involved before passing the Bill. I do not think that there is any such important matter in it, or anything convincing has been said by any one who has supported the reference of the Bill to a select committee. I, therefore, oppose the motion that has been brought for its reference to a select committee. I wholeheartedly support the motion and wish that the House may pass it just now. Sir, I listened to the speech made by the Hon'ble Minister for Local Self-Government with attention to find out whether something comes out from him in justification of the delay suggested in the passing of this Bill.

The Hon'ble the President: We are not passing the Bill. The House has not yet agreed to take it into consideration.

Hafiz Muhammad Ibrahim: Yes, Sir, we are taking it into consideration, I mean. What I have been able to gather from the speech of the Hon'ble Minister is that he has said that we should know the consequences. Well what those consequences are he has not made clear to us. Nothing

of importance has been pointed out by him to show that this Bill may lead us to any very serious consequences, detrimental to the interests of those boards for which these nominations are meant, or to the interests of the present-day society. His speech has failed to carry conviction with me. I have not been able to find out anything from the speeches made in favour of the dilatory motion justifying a delay in passing this Bill.

Babu Ram Bahadur Saksena: I rise to support the motion of the honourable mover of the Bill that the Bill be taken into consideration and at the same time to oppose the motion that it be referred to a select committee. Before doing this I must join in the chorus of congratulations that have been rightly showered upon the only lady member of this House for bringing forward a Bill of this sort before the House. Sir, India has produced many good women musicians, many good women mathematicians and probably some good women administrators, but I doubt if it has ever produced a good woman legislator, and the honourable mover has broken the record in that respect and deserves congratulations all the more.

The Bill is short, simple and straight forward. I do not exactly see what is the sense in a motion like the one just now made by my honourable friend Khan Bahadur Maulvi Fazlur Rahman Khan to refer it to a select committee. The Bill consists of one important clause and one clause only. The Hon'ble the President has just informed the House, that it was circulated to all the honourable members. A copy of this Bill was supplied to every one of us, no less than three weeks ago.

Khan Bahadur Maulvi Muhammad Fazlur Rahman Khan: I rise to a point of order. I think it was not published in the *Government Gazette*.

The Hon'ble the President: That is not compulsory.

Khan Bahadur Maulvi Muhammad Fazlur Rahman Khan: Certainly, but the honourable member says it was published in the *Government Gazette*.

The Hon'ble the President: He is not saying that. He is saying that it was supplied to all honourable members three weeks ago.

Babu Ram Bahadur Saksena: If we could not consider this Bill during these three weeks, I do not think it will be possible for us to consider it in three centuries. And what is there to consider. The simple question is whether or not we want a woman to sit on the district board, and I do not think it should require ages to come to a decision on such a simple question. The most curious thing is that even those gentlemen who have made speeches in support of a dilatory motion of this sort, have done it in a half-hearted manner. They probably have not the courage—it may be due to the fear of the women outside or any other reasons—but they have not the courage to oppose the Bill in clear terms.

The speech of the Hon'ble the Minister for Local Self-Government was the most surprising of the speeches delivered this morning. He said that he has not been able to understand as to what will be the "consequences" of adding one woman to a board. If a woman were to be added to the board by means of election, there would be a danger of importing a revo-

[Babu Ram Bahadur Saksena.]

lutionary or a non-co-operator, but when it is contemplated to add a seat for which nomination will be made by the Hon'ble Minister himself, there is hardly anything to fear, and certainly nothing to consider of the "consequences" that may follow.

The Hon'ble the Minister for Local Self-Government : A point of order, Sir. The honourable member has completely misunderstood me. The point that I was trying to explain was that when an amendment, particularly an innocent amendment like this, is made, what the ultimate consequence would be so far as the Act is concerned. When we are embarking upon a legislation, we must carefully consider what this simple amendment will mean, where will it lead to, and how ultimately the whole thing will take shape.

Rai Bahadur Thakur Hanuman Singh : Were three weeks not enough?

The Hon'ble the President : Order, order. We might adjourn now and give the honourable members time to think of the consequences.

The Council adjourned for lunch at 1.30 p.m.

After the recess the House reassembled at 2-15 p.m. with the Deputy President in the Chair.

Babu Ram Bahadur Saksena : Sir, the Hon'ble the Minister for Local Self-Government said that I misunderstood him. But I may be permitted to say that if I understood anybody correctly this morning it was the Hon'ble the Minister for Local Self-Government. If we will go on thinking over the "consequences" in the manner the Hon'ble the Minister for Local Self-Government proposes to do with regard to this Bill, we shall never be able to do anything in this world. For example, if we begin thinking of the consequences of taking a ride in a motor car to attend this Council, we shall probably never attend the Council. We might just think that the motor car may collide with another car, that it may dash against a wall, that it may fall in a *khud* with consequent danger to life. In the same manner when taking a meal if we begin to think of the consequences, probably we would never take it. We may think that if we take such and such thing it may develop dyspepsia, if we take another thing it may cause blood poisoning and may result in death. Thinking over the "consequences" is not a bad thing in itself, but just as there is a limit to everything else, there is to this also. So far as this Bill is concerned, there can be only one "consequence" and that I might tell the Hon'ble the Minister for Local Self-Government in the clearest possible terms. The "consequence" will be that we will have a woman member on the Board. If that is a dangerous "consequence", we must drop the Bill at once, but if it promises to work a welcome addition, we should readily agree to it. But in no case, it is, in any way necessary to defer the consideration of the Bill to some later date. I will not dwell on this subject any further, but I would like to touch casually on certain remarks made by the previous speakers. One of the speakers doubted whether in this purdah ridden country it would be possible to get suitable women to act as members of district boards. In reply to a question by the honourable mover of the Bill the Hon'ble Minister said that he had nominated two Muhammadan women and one Christian woman to certain boards. This clearly shows that even Muhammadan women are available for

membership of municipal and district boards. Certainly suitable Hindu women are available in almost every district. One of the speakers accused the male members of this House of being selfish. I have no desire to enter into a controversy of this sort just at present, but I must say that the charge is in most cases unfounded. We have been doing all that is possible in the peculiar circumstances of this country for women and their uplift. The rapid expansion of female education and the child welfare and maternity movement are both the result of the efforts of men. We Indians are traditionally inclined to watch the interests of women. We have done what was possible in the past and we are ready to do whatever is possible in future. But these are days of great political upheaval and the women have thrown themselves wholeheartedly into the struggle for the emancipation of the motherland. They are freely going to jail, they are receiving police batons smilingly on their heads and it is now high time that we allowed them to deal with their own affairs in local boards. With these words, Sir, I support the motion of the honourable mover that the Bill be taken into consideration.

Mr. Ali Zaheer : It would be extremely unchivalrous on my part if I began to address the House this afternoon without paying a tribute to the honourable lady mover of the motion under consideration. Sir, I wholeheartedly join in the praise which she has already received for taking this bold step in bringing forward a motion for the uplift of women in this country. It is not for the first time, I may point out, that the idea has been vented from the floor of this House and it is now time that we must adopt measures for the improvement of womanhood of this country. A great charge against India is that only half of the population has been allowed to advance so far and the present motion, which is the first of its kind, will ensure that at least one lady member must be on every district and municipal board in these provinces. We all, I am glad to say, have accepted the principle of this motion. The only question which is under controversy at present is whether we should today pass the Bill as it has been proposed or should we pause and think whether this additional power of nomination which is to be given to the Government should be in the form in which it is proposed or certain changes should be made in the same. Now, Sir, it is true that reference to select committee will involve a certain amount of delay and we all are anxious that measures like this should not be delayed, but I may point out that after the House has unanimously expressed itself in favour of the principle of the motion, there cannot be any reason for withholding such a motion for a very long time. But at best the delay will not be of more than a few months. The question is whether if we pass the Bill today it will be practicable and meet all possible contingencies and all possible objections that might be raised against it. I should not be understood in the least to be opposed to the principle of the Bill—in fact I am not—but I do feel that the principle of nomination as such should not be extended. I do not think any one who has got democratic ideas in his mind will agree that we should extend the principle of nomination. Now the Bill in the form in which it is before us is pure and simple nomination. By referring the Bill to Select Committee I want the House to consider whether we should accept it just in the form in which it is. The difficulty that I see is this. Probably the nominating authority will be the Hon'ble the Minister for Local Self-Government. He will nominate, I presume, just as he does at present on the recommendation of the local district officer. The question will arise,

[Mr. Ali Zaheer.]

and it has arisen in the past, whether such nomination which is made by him will be a satisfactory nomination or not. I certainly feel and most of the honourable members must have realised during the time that they have had to do with these nominations that very often that power is not properly used. I want to make some safeguard against it. The question is whether it is possible to make that safeguard here on the floor of this House or whether it will be better to refer it to select committee so that we may be able to make some provision according to which these nominations should be made in the future.

The honourable member for Shahjahanpur pointed out that there were difficulties of purdah system. Now I may frankly say that I do not think the purdah system should be any obstacle in the way or should be any reason why we should oppose this Bill, but certainly I will ask the honourable members who are opposed to referring the Bill to Select Committee to just pause and think for a moment whether the Minister or the district authority will not be very seriously handicapped when the latter has got to forward the name of a person who is to be nominated. There are ladies who even though outside the purdah do not freely move about; they do not take part in politics, but all the same people of the district and of the locality know that if such ladies are put on the boards of their respective districts they will be able to do good service. Now the question is whether these ladies will have a chance of getting nominated or whether there is not the danger that persons who may not be of great service and who may not be really able to do much will secure nominations simply because they go about, see district officers and approach the Minister. Now we have got to provide for this contingency. This is at the back of my mind when I am suggesting that let us sit down quietly, form a small committee and think over this problem. I suppose everyone of us is aware that during the next constitution it is very likely that the whole system of nomination will be abolished. If it is to be abolished then why should we introduce at the present moment this system of nomination. I agree that there will be nominations, but I do not mind if this will be a part of the Bill that a nomination can be made dependent upon selection to be made by the district board concerned. Let the district board send one or two names to the Minister and let the Minister make a choice out of these names. You can put forward a similar measure in the Bill and thus avoid the great difficulty which will have to be faced by the district authorities as well as municipal boards in nominating, for instance, semi-purdah, if not full purdah ladies to the board. People in the district will be aware as to who are the persons who are likely to be useful to them. I will suggest and I will request the honourable mover kindly to take into account this fact that the Bill as it stands is really not so practicable as one would desire it to be. There are no less than 48 districts and in district boards where a large number of villages are grouped together to send their representatives to the board. It will be practically impossible for the district magistrate to know who is the suitable person who should be the representative on behalf of ladies of that district on the board. Then, Sir, another matter which will probably require consideration is that at present all nominations have already taken place. Most of the district boards and municipal boards only recently, within the last few months, have come into existence. Nominations have already been made on a certain basis. When these nominations were made there was no idea

that another nomination will have to be made by the Minister. We will have to consider as to whether, when we are introducing this Bill, that is to say, when we are giving an additional member to the board, that will not seriously affect the local proportions of different parties in the board. For instance I am aware that at certain places there are only small boards of ten people and so on, and I am also aware that there is a section which provides that not more than one-fourth of the total strength of the board will be the persons nominated. How will it be adjusted? Either you should amend the subsequent section along with this or you will not be able to maintain the proper proportion. Suppose there are ten seats in a board and two persons are at present to be nominated. If you make three nominations the proportion will be more than one-fourth and other similar difficulties will I think have to be faced. For these reasons my sincere request to the honourable mover is that she will accept the suggestion to refer the Bill to a select committee so that the Bill may be threshed out and we may be able to carry into effect her idea as soon as possible, and in a manner that it may not conflict with the other provisions of the Act. Hasty amendments of law, if I may say so, are always dangerous and create difficulties in future. I am whole-heartedly for the principle, but there is no reason why we should not delay the matter just by a few months in the interests of suitable legislation so that all these difficulties might be taken into account and dealt with by the Select Committee.

Khan Bahadur Maulvi Fazlur Rahman Khan : I move, Sir, that the question be now put.

(The Deputy President called upon Rai Rajeshwar Bali to speak.)

***Rai Rajeshwar Bali :** I join in the chorus of congratulations which have been offered to the mover of this Bill. We all know how keenly interested Mrs. Srivastava is in the advancement of the cause of women and I know it particularly as I have been in one of the important committees which is considering the question of future franchise for these provinces, and from personal experience I can say how deeply interested she is in the subject.

Now, Sir, as regards the Bill itself, no honourable member has so far opposed its main underlying principle. Every one of us has agreed that an additional seat should be provided on the district boards to be filled by a lady member. The only difference that has been exhibited in the discussion is as regards the procedure which should be followed ; whether the subject should be taken into consideration at once and decided or whether the Bill should be referred to a select committee I must confess that I have not been able to understand the arguments which have been advanced in favour of the latter course. As the honourable members will see themselves, it is a very short Bill, in fact it relates to only one section and the subject-matter of that section is very simple, namely, that an additional seat be provided to be filled by a lady member. When the Hon'ble Minister advanced the argument that he has not been able to give his serious and careful consideration to this Bill, I was not at all surprised. Because after all we know how much and what great and serious and careful consideration he gives to much more important questions of policy. If he has not been able to give serious consideration to this one single Bill in the course of three or four weeks, certainly that should not stop us who have been in receipt of this Bill for such a long time from giving our decision on its simple provision. I have not been able to see

* Speech not revised by the honourable member.

[Rai Rajeshwar Bali.]

what dangers were lurking behind this very simple proposition. He said there are various little things which we have to consider and very seriously consider what the consequences of this Bill will be, and so on and so forth. Of course so far as the various little things regarding this Bill are concerned I admit that we are so dense that we have not yet been able to find out what dangerous consequences may be lurking behind this one simple provision. Perhaps his more ingenious brain may be able to scent some danger, but so far as we on this side of the House are concerned we have not been able to see what serious consequences will accrue after we have accepted the principle of the Bill. And he has himself accepted the principle of the Bill. I was really surprised. However, so far as the arguments of the Hon'ble Minister are concerned, which are mainly concentrated in the words "so on and so forth", we need not give any serious consideration to them. But I was surprised to find that my honourable friend Mr. Fazl-ur Rahman Khan should have made a motion which I must confess I regard as a dilatory motion. He himself has not been able to put forward any serious arguments in favour of his proposition. In fact, he has failed to establish his case. All that he said was that the *purdah* system would stand in the way. Well, Sir, if the *purdah* system is a hindrance to the appointment of a lady member, what will the select committee do. We are all aware of the existence of the *purdah* system, and it makes little difference whether we pass the Bill to-day or whether it is referred to a select committee. Therefore, I have not been able to discover how reference to a select committee will make any distinction, so far as the existence of the *purdah* system is concerned. In fact, I believe if the Bill is passed as it has been introduced it will lead to the driving out the *purdah* system and we are all anxious for this. Therefore I do not see how the *purdah* system comes in our way so far as reference to the select committee is concerned. Then he said, "We have to see whether women have tried to seek election and have failed." There again, what difference will it make in the select committee when we have accepted the main principle that women should be there. Once we have accepted the principle it makes little difference whether women have tried to seek election and have failed or not. Then he said that he was not in favour of too many nominations and that some limitations and restrictions should be placed on nominations. There again I fail to see how else the object will be achieved in the present state of things and how the select committee will be able to devise any other means by which this object can be achieved. We have been discussing this question in the Franchise Committee. There are two ways by which women can come on the boards—there is the method of nomination and there is the method of election. Election at the present moment is entirely out of the question, and if my honourable friend has in mind that in the select committee they will introduce this system, I for one would strongly oppose it as impracticable and unthinkable so far as the present state of things is concerned. It may be possible to devise some means of election after three or four years, but we are mainly concerned with the present district boards. I believe what every one is anxious to see is this that in the district boards it should be made possible to have one woman.

Now elections have already been held and we do not wish to hold separate elections in order that a woman may be brought on in every

district board of the province at present. Therefore the only possible course and the only feasible course which appears to me so far as the present district boards are concerned is by a system of nomination. Therefore once you have accepted the principle of the Bill and once you are eager to apply it immediately in the case of the present district boards I do not see how a reference to the Select Committee will alter the situation. Then he said, Sir, that he was for some limitations and restrictions in the matter of nominations. What those limitations and restrictions are we have not been told. If in his opinion there are any limitations or restrictions which should be imposed in the matter of nomination, personally I would welcome that proposition and I would ask that while this Bill is on the floor of this House he should make those suggestions. He has not made any suggestions as regards limitations and restrictions. Therefore, Sir, I believe he too had a very vague and indefinite idea about the subject in his mind when he made that statement. Well, Sir, in a matter like this we need not be guided by these considerations. We must tackle the problem as it is before us to-day and I do not see what gain we shall have by referring the matter to a select committee. Then, Sir, I might refer to another argument which was advanced by my friend Mr. Ali Zaheer. He said that there are local proportions of the various parties in every board and we do not wish that these may be upset. I certainly do not wish that these local proportions may be upset. It is exactly for this reason that we prefer for the present a system of nomination. The Hon'ble Minister will be there. He shall be able to know what these local proportions are and he shall be guided by the advice of the local authorities and if in any case there is a danger of upsetting local proportions he shall be able to rectify it. On the other hand the Select Committee won't be able to do anything so far as the local proportions are concerned. The Select Committee will only provide general provisions and it cannot provide for the local proportions of every district. It can only enunciate broad principles, while if we accept the system of nomination the Hon'ble Minister would be able to look into the local proportions and see that they are not upset. Therefore, Sir, I do not see how even on this ground any advantage will be gained by referring this Bill to a select committee. Then, Sir it might be asked what is the hurry about it. Why should it not be allowed to be referred to a select committee. My replies to this question are twofold : In the first place it rests on the mover of this proposition to make out a case why it should be referred to a select committee and as he has not made out a case the natural course which the procedure should take is that the Bill should be passed as the Bill refers only to one simple proposition whose general principle has already been accepted by every member of the House. My second reason which I would advance is this that we know that district board elections have recently taken place and the boards are now about to start their work. If you want to appoint a woman to serve on a board it is much better that you do so immediately so that she may be able to take her rightful place in the inauguration of the new policies which the board may have under contemplation. I do not see any reason, therefore, why this simple Bill, which as I have said before refers to only one section of the Act, should be delayed by its reference to a select committee. Personally, I do not attach any importance to the speech of the Hon'ble Minister. I should certainly like to know whether the Government as a whole have considered the question. I hope I shall not be divulging a secret if I say that it has

[Rai Rajeshwar Bali.]

been provided in the Rules of Executive Business that whenever a new legislation is to be brought forward in this Council, Government as a whole consider it. I cannot therefore believe that having received notice of the Bill Government would not have considered it so far. I cannot believe that the Bill was found to be so complicated and complex that a good deal of noting was required in the Secretariat to enable the Minister to come to a decision on a simple question like this. I therefore oppose the motion of my honourable friend, Khan Bahadur M. Fazlur Rahman Khan, that the Bill be referred to a select committee, and strongly support the motion made by Mrs. Srivastava that the Bill be taken into consideration.

Khan Bahadur Maulvi Muhammad Fazlur Rahman Khan : I beg to move that the question be now put.

The Deputy President : The question is that the question be now put.
The question was put and agreed to.

Mrs. Kailash Srivastava : I am very grateful to the House for the reception which it has given to my Bill. I have nothing much to say now. All my points have already been covered by honourable members who have spoken on this Bill, and I leave it now to the free-will of the House whether they want to pass the Bill or refer it to a select committee.

The Deputy President : The motion moved was that the Bill to amend the United Provinces District Boards Act, X of 1922, be taken into consideration ; since when an amendment has been moved that the Bill be referred to a select committee.

The question is that the Bill be referred to a Select Committee.

The question was put and agreed to after division ; the voting being Ayes 44, noes 30.

Afzal-ud-din Hyder, Shaikh.
Ahmad Ali Khan Alvi, Raja Saiyid.
Ahmad Shah, Mr. E.
Ain-ud-din, Khan Bahadur Saiyid.
Ali Zaheer, Syed.
Bharos, Chaudhri.
Bhondwa, Mr.
Blunt, The Hon'ble Mr. E. A. H.
Canning, Mr. F.
Clay, Mr. J. M.
Desanges, Mr. H. O.
Dhirya Singh, Chaudhri.
Dunn, Lt.-Col. C. L.
Ejaz Rasul Khan, Raja Muhammad.
Fasih-ud-din, Khan Bahadur, Maulvi.
Fazlur Rahman Khan, Khan Bahadur,
Maulvi Muhammad.
Habibullah, Khan Bahadur, Maulvi Saiyid.
Hadiyar Khan, Khan Sahib, Muhammad.
Hidayat Husain, Khan Bahadur, Hafiz.
Hollins, Mr. S. T.
Imtiaz Ahmad, Muhammad.
Jafer Hosain, Khan Bahadur, Saiyid.
Jagarnath, Chaudhri.

Jamshed Ali Khan, Captain Nawab
Muhammad.
Jwala Saran Kothiwala, Sahu.
Knox, Mr. K. N.
Lane, Mr. H. A.
Mackenzie, Mr. A. H.
MacLeod, Mr. E. D. W. D.
Magsud Ali Khan, Khan Sahib, Muham-
mad.
Mason, Mr. P.
Mehta, Mr. V. N.
Moti Lal Bhargava, Pandit.
Muhammad Muzammil Ullah Khan,
The Hon'ble Nawab Sir.
Muhammad Yusuf, The Hon'ble Nawab.
Nazar Husain, Shah.
Nisarullah, M.
Oppenheim, Mr. E. F.
Sathe, Mr. J. N. L.
Shakirdad Khan, Sirdar Muhammad.
Srivastava, The Hon'ble Mr. J. P.
Suraj Din Bajpai, Rai Bahadur, Pandit.
Teyen, Mr. C. St. L.
Tika Ram Misra, Pandit.

Noes.

Anand Sarup, Rai Sahib, Lala.
Awadh Bihari Lal, Rai Bahadur, Babu.
Balwant Singh Gahlot, Thakur.
Bikram Singh, Rao Bahadur, Thakur.
Birj Lal Badhwar, Rai Bahadur Babu.
Brijnandan Lal, Mr.

Dahari, Mr.
Gajadhar Frasad, Babu.
Giriraj Singh, Thakur.
Habibullah, Shaikh Muhammad.
Hanuman Singh, Rai Bahadur, Thakur.
Jagannath Bakhsh Singh, Raja.

Noss.

Jagbhan Singh, Kunwar.
Jagadeva Roy, Rai Bahadur, Babu.
Jaindra Bahadur Singh, Thakur.
Joti Prasad Upadhyaya, Pandit.
Krishna Pal Singh, Rao.
Muhammad Ali, Chaudhri.
Muhammad Ibrahim, Hafiz.
Muneshwar Bakhsh Singh, Thakur.
Perma, Mr.

Prem Ballabh Belwal, Pandit.
Rajeshwar Bali, Rai.
Rajeshwari Prasad, Rai.
Ram Bahadur Saksena, Babu.
Ram Pal Singh, Thakur.
Sardar Singh, Rao Bahadur, Kunwar.
Shao Pratap Singh, Lal.
Shiva Pati Singh, Rai Bahadur, Thakur.
Srivastava, Mrs. J. P.

The Deputy President : As the motion was moved by Maulvi Fazlur Rahman Khan that the Bill be referred to a Select Committee, may I know from the honourable member the personnel of the Select Committee ?

Khan Bahadur Maulvi Muhammad Fazlur Rahman Khan : I beg to move that the Bill be referred to a Select Committee consisting of the following gentlemen :—

- (1) Khan Bahadur Hafiz Hidayat Husain.
- (2) Khan Bahadur Maulvi Fasih Uddin.
- (3) Raja Jagannath Bakhsh Singh.
- (4) Sabu Jwala Saran Kothiwala.
- (5) Mr. P. Mason.
- (6) Mr. J. R. W. Bennett.
- (7) Rai Bahadur Babu Jagadev Roy.
- (8) Mr. Ahmad Shah.
- (9) Shah Nazar Husain.
- (10) Mrs. Kailash Srivastava.

Raja Jagannath Bakhsh Singh : May I have your permission to withdraw my name and propose that of Thakur Muneshwar Bakhsh Singh ?

The Deputy President : I think it will be better if we consider the withdrawals after nominations have been made.

Rai Bahadur Babu Vikramajit Singh : I propose the names of Rai Bahadur Thakur Hanuman Singh, Rai Bahadur Babu Awadh Behari Lal, and Pandit Joti Prasad Upadhyaya.

Babu Ram Bahadur Saksena : I propose the names of Mr. Brij Nandan Lal and Hafiz Muhammad Ibrahim.

Raja Jagannath Bakhsh Singh : In compliance with your ruling I shall ask for my withdrawal after all nominations have been made. May I propose the name of Thakur Muneshwar Bakhsh Singh ?

Rai Sahib Babu Anand Sarup : I propose the name of Chaudhri Dhira Singh.

Mr. Ahmad Shah : I propose the names of Mr. Jafer Hosain and Khan Bahadur Syed Habib-ullah.

Rai Rajeshwar Bali : I propose the name of Rai Bahadur Babu Vikramajit Singh.

Khan Bahadur Maulvi Fasih-ud-din : I propose the name of Mr. Shakir-dad Khan.

Kunwar Jagbhan Singh : I propose the name of Thakur Rampal Singh.

Shaikh Muhammad Habib-ullah : I propose the name of Rai Rajeshwar Bali.

Mr. Ali Zaheer : Sir, may I make a suggestion that the question of the formation of this Committee might be left overnight, so that the members may be able to agree amongst themselves as to who should be on the Committee.

The Deputy President : We must have the names now.

Twenty-four names have been proposed for the Select Committee for ten vacancies. Are there any withdrawals to be made?

Raja Jagannath Bakhsh Singh, Mr. Badhwar, Mr. Shakirdad Khan and Thakur Rumpil Singh withdrew their names.

The Deputy President : Excluding Mrs. Srivastava 19 names have been left and election will now take place. The names are—

- (1) Khan Bahadur Hafiz Hidayat Husain,
- (2) Khan Bahadur Maulvi Fasih-ud-din,
- (3) Sahu Jwala Saran Kothiwala,
- (4) Mr. P. Mason,
- (5) Mr. J. R. W. Bennett,
- (6) Rai Bahadur Babu Jagadev Roy,
- (7) Mr. E. Ahmad Shah,
- (8) Shah Nazar Husain,
- (9) Rai Bahadur Thakur Hanuman Singh,
- (10) Rai Bahadur Babu Awadh Bihari Lal,
- (11) Pandit Joti Prasad Upadhyaya,
- (12) Mr. Brijnandan Lal,
- (13) Hafiz Muhammad Ibrahim,
- (14) Thakur Muneshwar Bakhsh Singh,
- (15) Chaudhari Dharya Singh,
- (16) Khan Bahadur Saiyid Jafer Hosain,
- (17) Khan Bahadur Saiyid Habibullah,
- (18) Rai Bahadur Babu Vikramajit Singh, and
- (19) Rai Rajeshwar Bali.

Rai Rajeshwar Bali : Sir, may I withdraw my name at this stage?

The Deputy President : I am afraid it is too late.

Rai Rajeshwar Bali : I am sorry I did not know that my name had been proposed.

The Deputy President : The honourable members are requested to write not more than ten names.

Raja Jagannath Bakhsh Singh : Should we write ten names compulsorily?

The Deputy President : No; but the number should not exceed ten.

The Hon'ble the Minister for Education : Sir, is it not a single transferable vote?

The Deputy President : I hope the honourable members have put down the names in order of preference.

Several members : No.

The Deputy President : Then we had better put off the elections till to-morrow, as the names should have been written in order of preference.

THE UNITED PROVINCES MUNICIPALITIES ACT
(AMENDMENT) BILL.*

Mrs. Kailash Srivastava : I beg to move for leave to introduce a Bill to amend the United Provinces Municipalities Act, 1916.

The Deputy President : The question is that leave be granted to introduce a Bill to amend the United Provinces Municipalities Act, 1916.

The question was put and agreed to.

Mrs. Kailash Srivastava : I beg to move that the United Provinces Municipalities (Amendment) Bill be referred to a Select Committee.

At this stage the Hon'ble the President took the chair at 3-15 p.m.

The Hon'ble the President : Does the honourable member wish to make any observations on it.

Mrs. Kailash Srivastava : I think the same remarks will apply as in the last Bill. I do not wish to say anything more.

The Hon'ble the President : Is there any amendment before the House ?

The Hon'ble the Minister for Local Self-Government : The mover has asked that the Bill be referred to a Select Committee.

The Hon'ble the President : Mrs. Srivastava, will you give the names of the members of the Select Committee or leave it to the House ?

Mrs. Kailash Srivastava : I will give the names in two or three minutes.

The Hon'ble the President : The question is that the Bill to amend the United Provinces Municipalities Act, 1916, be referred to a Select Committee.

The question was put and agreed to.

Mrs. Kailash Srivastava : For the Select Committee I propose the following names :—

Rai Bahadur Babu Vikramajit Singh,

Rai Bahadur Munshi Awadh Behari Lal,

Khau Bahadur Hafiz Hidayat Husain,

Shaikh Muhammad Habibullah,

Mr. H. C. Desanges,

Mr. J. R. W. Bennett,

Mr. P. Mason, and

Rai Rajeshwar Bali.

The Hon'ble the President : The motion is that for this Select Committee the following be elected :—

Rai Bahadur Babu Vikramajit Singh,
 Rai Bahadur Munshi Awadh Behari Lal,
 Khan Bahadur Hafiz Hidayat Husain,
 Shaikh Muhammad Habibullah,
 Mr. J. R. W. Bennett,
 Mr. H. C. Desanges,
 Mr. P. Mason, and
 Rai Rajeshwar Bali.

Are there any more proposals ?

The following further names were then proposed.

Khan Sahib Muhammad Maqsood Ali Khan,
 Thakur Giriraj Singh,
 Lal Sheo Pratap Singh,
 Khan Bahadur Maulvi Fazlur Rahman Khan,
 Rao Krishna Pal Singh,
 Lala Anand Sarup,
 Rao Bahadur Thakur Bikram Singh,
 Munshi Gajadhar Prasad,
 Thakur Rampal Singh,
 Babu Ram Bahadur Saksena, and
 Chaudhri Muhammad Ali.

The Hon'ble the President : As the election is by means of a single transferable vote, of course all the members of one party cannot get in.

Mr. H. C. Desanges : I beg to withdraw my name.

The Hon'ble the President : That is giving opening to others. The withdrawals should have come later.

Raja Kali Charan Misra : I propose the name of Mr. Ali Zaheer.

Sardar Muhammad Shakirdad Khan : I propose the name of Sahu Jwala Saran.

Sahu Jwala Saran : I beg to withdraw my name.

Rao Krishna Pal Singh : I beg to withdraw my name.

Chaudhri Muhammad Ali : I beg to withdraw my name.

The Hon'ble the President : So this leaves 17 names for 10 seats on the Select Committee. I shall read them out, because the election will take place now. Members will have to vote in the order of preference.

1. Rai Bahadur Babu Vikramajit Singh,
2. Rai Bahadur Munshi Awadh Behari Lal,
3. Khan Bahadur Hafiz Hidayat Husain;
4. Sheikh Muhammad Habib-ullah,
5. ~~Mr. J. R. W. Bennett,~~
6. Mr. P. Mason,

7. Rai Rajeshwar Bali,
8. Khan Sahib Muhammad Maqsud Ali Khan,
9. Lal Sheo Pratap Singh,
10. Sardar Muhammad Shakirdad Khan,
11. Khan Bahadur Maulvi Muhammad Fazlur Rahman Khan,
12. Rai Sahib Lala Anand Sarup,
13. Rao Bahadur Thakur Bikram Singh,
14. Munshi Gajadhar Prasad,
15. Thakur Rampal Singh.
16. Mr. Ram Bahadur Sakse na, and
17. Syed Ali Zaheer.

Rao Bahadur Kunwar Bikram Singh: Sir, I wanted to withdraw my name but I could not do so as the Chair began to announce the nominations and I did not want to interrupt the Chair at that time. I now respectfully beg to withdraw my name.

The Hon'ble the President: It is never too late to do a good turn.

The honourable members have to vote for ten seats.

Thakur Muneshwar Bakhsh Singh: I also proposed the name of Thakur Giriraj Singh.

The Hon'ble the President: It does not seem to have been proposed.

Thakur Muneshwar Bakhsh Singh: I proposed two names—Lal Sheo Pratap Singh and Thakur Giriraj Singh.

The Hon'ble the President: I read out the names twice. I can now accept withdrawals but no more nominations.

RESOLUTION *re* THE INAUGURATION OF THE NEW CONSTITUTION FOR INDIA.

Mr. Brijnandan Lal: With your permission, Sir, I should like to move this resolution to-morrow, as it is already 3·45 and the House would like to adjourn now.

The Hon'ble the President: There are a number of non-official resolutions still on the agenda. But does the House wish me to adjourn now?

Several members said that it was so.

The Council adjourned at 3·45 till the next day.

APPENDIX A.

(See page 117 *supra*.)

Copy of Fundamental Rule 49, referred to in the answer to starred question no. 3, for February 24, 1932, asked by Pandit Prem Ballabh Belwal.

49. A local Government may appoint one Government servant to hold substantively, as a temporary measure, or to officiate in two or more independent posts at one time. In such cases his pay is regulated as follows :—

- (a) The highest pay to which he would be entitled if his appointment to one of the posts stood alone may be drawn on account of his tenure of that post ;
- (b) for each other post he draws such reasonable pay, in no case exceeding half the presumptive pay excluding overseas pay of the post, as the local Government may fix ; and
- (c) if a compensatory allowance is attached to one or more of the posts he draws such compensatory allowance as the local Government may fix ; provided that such allowance shall not exceed the total of the compensatory allowances attached to all the posts.

Audit instruction regarding rule 49.

This rule requires that such pay as may be considered "reasonable" in the circumstances may be given ; half the presumptive pay of the post is not, therefore, to be regarded as the amount normally permissible.

2. Under this rule a Government servant is not entitled to overseas pay in respect of both the posts, that is, he cannot get the benefit of the overseas pay, whether in sterling or rupees, of the second post.

Orders of the local Government regarding Fundamental rule 49.

The amount of additional pay that may be allowed under this rule should be governed by the following principles :—

- (a) If the period of dual charge does not exceed a month the amount of additional pay should be fixed at one-fifth of the presumptive pay of the post held temporarily or Rs. 10 per diem, whichever is less ;
- (b) if the period of dual charge exceeds a month, but does not exceed three months the amount of additional pay should be fixed at one-fifth of the presumptive pay of the post held temporarily or Rs. 500 per mensem, whichever is less, and
- (c) if the period exceeds three months the additional pay should be fixed on the merits of the case, provided that it shall not be less than one-fourth or more than one-half of the presumptive pay of the post held temporarily.

These limits relate only to the additional pay to be allowed for holding a dual charge and not to the payment of compensatory allowances, if any, attached to either of the posts which are granted on other considerations.

APPENDIX B.

(See page 174 supra.)

A Bill further to amend the Northern India Canal and Drainage Act, 1873 (Act VIII of 1873) in its application to the United Provinces.

WHEREAS it is expedient further to amend the Northern India Canal and Drainage Act, 1873, in its application to the United Provinces of Agra and Oudh; It is hereby enacted as follows:—

1. This Act may be called the United Provinces Canal and Drainage (Amendment) Act, 1931.

2. It extends to the territories for the time being administered by the local Government of the United Provinces.

3. At the end of section 47 of the Northern India Canal and Drainage Act, 1873, as amended by Act XVI of 1899, the following proviso shall be added, namely,—

“ Provided that it shall be lawful for the lambardar or person under engagement to pay the land revenue of any estate, to refuse, to collect and pay any sums payable under this Act by a third party, by refusing to take delivery of the canal *jamabandi*; and in case of such refusal the Collector shall arrange for the collection of such sums either under section 46 of this Act, or directly through his subordinate revenue staff.

STATEMENT OF OBJECTS AND REASONS.

SECTION 47 of the Northern India Canal and Drainage Act, 1873, empowers the Collector to require the lambardar or person under engagement to pay the land revenue of any estate, to collect and pay any sums payable under this Act by a third party, in respect of any land or water in any such estate. But it is not clear whether the lambardar or person under engagement to pay the land revenue of any estate can lawfully refuse, if he so chooses, to collect the canal dues from the cultivators and pay them to the Government. This entails great hardship and loss on the lambardar or person under engagement to pay the land revenue of any estate as in actual practice he has compulsorily to act as a forced agent of the Government in respect of the collection and payment of canal dues, payable by the cultivator, whether he likes it or not. In case the lambardar chooses to resign his lambardarship, his resignation is not always accepted by the revenue authorities. Thus the collection of canal dues through lambardars has more or less come to be a forced system: hence the hardship and loss. Although under section 46 of this Act the Collector can enter into an agreement with any other person for the collection and payment to Government by such person of any sum payable under this Act by a third party, but this provision is seldom made use of as revenue authorities invariably have recourse to the easier means of the forced agency of the lambardar for the collection and payment of such dues under section 47.

Hence the necessity, which this Bill aims at, of making it clear that it would be optional on the part of the lambardar or person under engagement to pay the land revenue of any estate whether or not to undertake the collection and payment of any sums payable under this Act by a third party.

Dated May 24, 1931.

ANAND SARUP.

APPENDIX C.

(See page 175 *supra*.)

THE UNITED PROVINCES SUPPRESSION OF IMMORAL TRAFFIC BILL.

WHEREAS it is expedient to make provision for the suppression of brothels and of traffic in women and girls and for other purposes of a like nature in the United Provinces; and whereas the previous sanction of the Governor-General required by sub-section (3) of section 80-A of the Government of India Act has been obtained; It is hereby enacted as follows:—

Short title.

1. (a) This Act may be called "The United Provinces Suppression of Immoral Traffic Act, 1932."

Commencement.

(b) It shall come into force on such date as the Local Government may, by notification in the *United Provinces Gazette*, direct.

Extent.

(c) It shall apply to the whole of the United Provinces.

Definitions.

2. In this Act unless there is anything repugnant in the subject or in context—

(a) "Brothel" means any house, room or place which the occupier or person in charge thereof habitually allows to be used by any other person for the purpose of prostitution. (Burma Act II of 1921, section 2.)

(b) "Prostitution" means promiscuous sexual intercourse for hire, whether in money or kind.

(c) "Magistrate" means a salaried magistrate of the first class.

(d) "Superintendent of Police" means a district superintendent of police, or any other person appointed by the local Government to perform the duties of the superintendent of police for the purpose of this Act. (Madras Act XXIV of 1859.)

(e) "Prescribed" means prescribed by rules made under section 14.

3. Any person who—

Punishment for keeping a brothel or allowing premises to be used as a brothel.

(a) keeps or manages or acts or assists in the management of a brothel shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both;

(b) being the tenant, lessee, occupier, or person in charge of any premises, knowingly permits such premises or any part thereof to be used as a brothel; or

(c) being the lessor or landlord of any premises, or the agent of such lessor or landlord, lets the same, or any part thereof, with the knowledge that the same, or any part thereof, is intended to be used as a brothel, or is wilfully a party to the continued use of such premises, or any part thereof, as a brothel shall be punished with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both. (Madras Act V of 1930, section 5.)

4. On conviction of the tenant, lessee or occupier of any premises of any offence under section 3, the landlord or Determination of tenancy of premises on conviction. the person so convicted to assign the lease or other contract under which the said premises are held by him to some person approved by the landlord or lessor; and, in the event of the person so convicted failing to assign the lease or contract as aforesaid, the landlord or lessor shall be entitled forthwith to determine the lease or other contract. [Bombay Act XI of 1923, section 8D(1); Burma Act II of 1921, section 13(1).]

5. Any person who takes or attempts to take or causes to be taken from one place to another any woman or girl with Punishment for importing women or girls for prostitution. a view to her carrying on or being brought up to carry on the business of prostitution or causes or induces any woman or girl to carry on the business of prostitution, shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees, or with both. (Bengal Act XIII of 1923, section 8; Burma Act II of 1921, section 9.)

6. (1) Any person who detains any woman or girl against her will— Detention for prostitution in brothel or with intent.

(a) in any house, room or place in which the business of prostitution is carried on, or

(b) in or upon any premises with intent that she may have sexual intercourse with any man other than her legal husband, shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees, or with both.

(2) A person shall be presumed to detain a woman or girl who is in any house, room or place in which the business of prostitution is carried on, or in or upon any premises for the purpose of sexual intercourse with a man other than her lawful husband, if such person, with intent to compel or induce her to remain there—

(a) withholds from her any jewellery, wearing apparel or other property belonging to her, or

(b) threatens her with legal proceedings if she takes away with her any jewellery or wearing apparel lent or supplied to her by or by the direction of such person. [Burma Act II of 1921; Madras Act V of 1930, section 10(2).]

(3) Notwithstanding any law to the contrary, such a woman or girl shall not be liable to be proceeded against civilly or criminally for taking away or being found in possession of any jewel, wearing apparel, money or other property alleged to have been lent or supplied to, or to have been pledged by such woman or girl by or to the person by whom she has been detained. [Burma Act II of 1921, section 10 (3); Madras Act V of 1930, section 10(3).]

7. Any person who induces a woman or girl to go from any place with intent that she may, for the purposes of Procreation. prostitution, become the inmate of or frequent a brothel, shall be punished with imprisonment which may extend to two

years or with fine which may extend to one thousand rupees, or with both, (Madras Act V of 1930, section 11.)

Soliciting for purposes
of prostitution.

8. Whoever—

- (1) in any street or public place, solicits any person for the purpose of prostitution, in such manner as to cause obstruction, annoyance or danger to the residents or passengers, or to offend against public decency, or
- (2) frequents such streets or public place, for the purpose of prostitution or of solicitation, so as to constitute a nuisance, or to offend against public decency, shall be punished with imprisonment for a term which may extend to two months, or with fine which may extend to one thousand rupees, or with both, (Madras Act V of 1930, section 12.)

9. (1) Where a magistrate has reason to believe from a report made to him by a police officer or otherwise, that a girl apparently under the age of 18 years is living, or is carrying on, or is being made to carry on the business of prostitution in a brothel, disorderly house, or place of assignation, he may issue an order to a police officer not below the rank of an inspector specially authorized in writing in this behalf by the superintendent of police, to enter into such brothel, disorderly house or place of assignation and to remove therefrom such girl; and thereupon such police officer shall have the power to enter into such brothel, disorderly house, or place of assignation, and shall be entitled to remove such girl forthwith from such brothel, disorderly house or place of assignation. [Madras Act V of 1930, section 6(1).]

(2) A girl who has been so removed shall be brought before a magistrate's court, and the court shall cause an inquiry to be made concerning her age, and, if satisfied that the girl is under 18 years of age, may make an order that such girl be placed, until she attains the age of 21 years for any shorter period, in a rescue home or in such other custody as the court for reasons to be stated in writing shall consider suitable. [Madras Act V of 1930, section 6 (2).]

(3) For the determination of the question whether a girl produced before a court under the provisions of this section is under 18 years of age, the decision of the civil surgeon shall be final.

10. When a girl has been removed from a brothel or disorderly house or place of assignation under the provision of sub-section (1) of section 9, the police officer carrying out the removal shall, until such girl can be brought before the court, cause her to be detained in a rescue home or in such other suitable custody (other than a police station or jail) as may be prescribed in this behalf by the local Government. (Bengal Act XIII of 1932, section 5; Madras Act V of 1930, section 7.)

11. Any police officer (not below the rank of inspector) on complaint, and any police officer authorized in this behalf by the superintendent of police by special order, may arrest without a warrant any person committing in his view any offences punishable under sections 5, 6, 7 and 8, if the name and address of such person be unknown to such police officer and

Arrest without war-
rant.

Intermediate custody
of girl removed from
brothel, etc.

cannot be ascertained by him then and there, or if he has reason to suspect that a false name and address has been given. (Bengal Act IV of 1886, section 72-A; Madras Act V of 1930, section 13.)

12. Notwithstanding anything contained in any other law for the time being in force, only a police officer authorized in this behalf by the superintendent of police by special order may, for the purpose of ascertaining whether an offence punishable under sections 5, 6, 7 and 8 has been or is being committed, enter without a warrant any premises in which he has reason to believe that any woman or girl is living in respect of whom an offence punishable under section 5, 6, 7 or 8 has been committed. (Madras Act V of 1930, section 14.)

13. No court inferior to that of a magistrate as defined in clause (c) of section 2, shall try offences under sections 3, 5, 6, 7 and 8. (Madras Act V of 1930, section 15.)

Power of local Government to make rules. 14. The local Government may make rules—

- (a) for the care, treatment, instruction and the maintenance of girls placed in a rescue home or homes or other suitable custody, and
- (b) for the detention of girls under the provisions of section 10.

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to provide consolidated legislation for the suppression of immoral traffic in the United Provinces, which will give to the authorities such powers as will materially aid them in checking the evil of commercialized vice and will lead to the gradual suppression of brothels and immoral traffic.

The means suggested in the present Bill are:—

- (a) to strengthen the hands of the authorities in regard to rescuing of minor girls from brothels or places used for carrying on the business of a prostitute;
- (b) to empower landlords to get rid of objectionable tenants;
- (c) to provide penalty—
 - (1) for any person who keeps a brothel or permits the use of any place as a brothel or for carrying on the business of a prostitute;
 - (2) for procurers, pimps, persons living on the earnings of prostitutes, or such persons as traffic in prostitution;
 - (3) for solicitation in public place;
 - (4) for causing or encouraging or abetting seduction or prostitution of minor girls;
 - (5) for detaining minor girls in any place where prostitution or business of a prostitute is carried on.

E. AHMAD SHAH.

APPENDIX D.

(See page 195 *supra*.)THE UNITED PROVINCES DISTRICT BOARDS
(AMENDMENT) BILL, 1932.*A Bill to amend the United Provinces District Boards Act, 1922,*

WHEREAS it is expedient to amend section 6 of the United Provinces District Boards Act, 1922, as amended by Act X of 1929; It is hereby enacted as follows:—

Short title and commencement. (1) This Act may be called the “United Provinces District Boards (Amendment) Act, 1932.”

(2) It shall come into force in each district on such date as the local Government may, by notification in the Gazette, appoint in this behalf.

Amendment of section 6 of the United Provinces District Boards Act, 1922 (X of 1929), as amended by Act X of 1929.

2. In section 6 of the District Boards Act, 1922, as amended by Act X of 1929, the following amendments shall be made:—

(1) In line 2 for the word “two” *substitute* the word “three.”

(2) For “One of the nominated members shall be selected from among the depressed and backward classes and the other shall be a representative of a class in the rural area which has remained unrepresented on the board after the general election” *substitute* the following namely,—

“One of the nominated members shall be selected from among the depressed and backward classes, one shall be a representative of a class in the rural area which has remained unrepresented on the board after the general election and the third shall be a woman.”

STATEMENT OF OBJECTS AND REASONS.

It is considered desirable to amend section 6 of the United Provinces District Boards Act, 1922, as amended by Act X of 1929 with a view to provide representation to women on the district boards. At present women are so poorly enfranchised that it is impossible for any member of their sex to get in through the channel of election, and of the two members who can be nominated by the local Government one has to be selected from among the depressed classes and the other has to be a representative of any special interest of the rural area which has remained unrepresented on the board after the general election. The Government, it is believed, find it difficult to reserve one of the two places for women, because they have to look to the claims of a number of interests which have failed to secure representation on the board. The presence of a woman member on the board is very necessary in these days, when so much has to be done by local bodies by way of girls' education, maternity and child welfare and other work which concerns women directly and in which they are so greatly interested. The proposed amendment, if passed, will enable the Government to nominate one woman member to every district board in the province.

KAILASH SRIVASTAVA, M.L.C.

APPENDIX E.

*(See page 213 supra.)*THE UNITED PROVINCES MUNICIPALITIES (AMENDMENT)
BILL, 1932.*A Bill to amend the United Provinces Municipalities Act, 1916.*

WHEREAS it is expedient to amend section 9 of the United Provinces Municipalities Act, 1916, as amended by Act XI of 1929; It is hereby enacted as follows :—

Short title and commencement.

1. (1) This act may be called the United Provinces Municipalities (Amendment) Act, 1932.

(2) It shall come into force in each district on such date as the Local Government may, by notification in the Gazette, appoint in this behalf.

Amendment of sub-section (2) of section 9 of the United Provinces Municipalities Act, 1916 (II of 1916), as amended by Act XI of 1929.

2. In sub-section (2) of section 9 of the Municipalities Act, 1916, as amended by Act XI of 1929, the following amendments shall be made :—

(1) In line 1, for the word "two" substitute the word "three."

(2) For "Provided further that of the two members who can be nominated by the Local Government under clause (c) of sub-section (1), one shall be selected from among the depressed classes and the other shall be a representative of any special interest of the municipal area which has remained unrepresented on the board after the general election," substitute the following, namely,—

"Provided further that of the three members who can be nominated by the Local Government under clause (c) of sub-section (1), one shall be selected from among the depressed classes, one shall be a representative of any special interest of the municipal area which has remained unrepresented on the board after the general election and the third shall be a woman."

STATEMENT OF OBJECTS AND REASONS.

It is considered desirable to amend section 9 of the United Provinces Municipalities Act, 1916, as amended by Act XI of 1929, with a view to provide representation to women on the municipal boards. At present women are so poorly enfranchised that it is impossible for any member of their sex to get in through the channel of election, and of the two members who can be nominated by the Local Government one has to be selected from among the depressed classes and the other has to be a representative of any special interest of the municipal area which has remained unrepresented on the board after the general election. The Government, it is believed, find it difficult to reserve one of the two places for a woman, because they have to look to the claims of a number of interests which have failed to secure representation on the board. The presence of a woman member on the board is very necessary in these days, when so much has to be done by local bodies by way of girls' education, maternity and child welfare and other work which concerns women directly and in which they are so greatly interested. The proposed amendment, if passed, will enable the Government to nominate one woman member to every municipal board in the province.

KAILASH SRIVASTAVA, M.L.C.

LEGISLATIVE COUNCIL, UNITED PROVINCES OF AGRA AND OUDH.

February 25, 1932.

THE Council met at the Council House, Lucknow, at 11 a.m.
The Hon'ble Sir Sita Ram in the Chair.

PRESENT (88).

The Hon'ble Mr. E. A. H. Blunt.
The Hon'ble Nawab Sir Muhammad Muzam-
mil-ullah Khan.
The Hon'ble Nawab Muhammad Yusuf.
The Hon'ble Mr. J. P. Srivastava.
Mr. J. M. Clay.
Mr. H. A. Lane.
Mr. P. Mason.
Mr. V. N. Mehta.
Mr. C. St. L. Teyen.
Mr. F. Canning.
Mr. A. H. Mackenzie.
Mr. J. N. L. Sathe.
Mr. R. D. W. D. Macleod.
Rai Bahadur Pandit Suraj Din Bajpai.
Pandit Tika Ram Misra.
Mr. E. F. Oppenheim.
Mr. K. N. Knox.
Mr. S. T. Hollins.
Khan Bahadur Saiyid Ain-ud-din.
Khan Bahadur Saiyid Abu Muhammad.
Mrs. J. P. Srivastava.
Khan Bahadur Maulvi Fasih-ud-din.
Mr. H. C. Desanges.
Mr. E. Ahmad Shah.
Rai Sahib Babu Rama Charana.
Mr. Perma.
Rai Bahadur Babu Awadh Bihari Lal.
Chaudhri Ram Dayal.
Chaudhri Jagarnath.
Chaudhri Baldeva.
Sahu Jwala Saran Kothiwala.
Mr. Tappu.
Pandit Moti Lal Bhargava.
Chaudhri Ram Chandra.
Chaudhri Ghasita.
Rao Bahadur Thakur Pratap Bhan Singh.
Rao Bahadur Thakur Bikram Singh.
Pandit Joti Prasad Upadhyaya.
Chaudhri Dhira Singh.
Rao Krishna Pal Singh.
Honorary Lieut. Raja Kali Charan Misra.
Thakur Balwant Singh Gahlot.
Rai Bahadur Babu Brij Lal Badhwar.
Rao Bahadur Kunwar Sardar Singh.
Rai Sahib Lala Manmohan Sahai.

Babu Ram Bahadur Saksena.
Babu Kamta Nath.
Kunwar Jagbhan Singh.
Mr. Brijnandan Lal.
Mr. Bhondwa.
Chaudhri Bharos.
Rai Bahadur Babu Jagadeva Roy.
Mr. Dahari.
Rai Rajeshwari Prasad.
Rai Bahadur Thakur Shiva Pati Singh.
Thakur Giriraj Singh.
Pandit Prem Ballabh Belwal.
Thakur Jang Bahadur Singh Bisht.
Pandit Brahma Dutt *alias* Bhaiya Sahib.
Rai Bahadur Thakur Hanuman Singh.
Lal Sheo Pratap Singh.
Kunwar Diwakar Prakash Singh.
Thakur Muneshwar Bakhsh Singh.
Raja Jagdambika Pratap Narayan Singh.
Rai Rajeshwar Bali.
Syed Ali Zaheer.
Khan Sahib Muhammad Maqsum Ali Khan.
Shah Nazar Husain.
Captain Nawab Muhammad Jamshed Ali
Khan.
Nawabzada Muhammad Liaquat Ali Khan.
Hafiz Muhammad Ibrahim.
Khan Sahib Muhammad Hadiyer Khan.
Khan Bahadur Hafiz Hidayat Husain.
Khan Bahadur Saiyid Jafer Hosain.
Shaikh Afzal-ud-din Hyder.
Khan Bahadur Maulvi Muhammad Fazlur
Rahman Khan.
Sirdar Muhammad Shakirdad Khan.
Muhammad Imtiaz Ahmad.
Shaikh Muhammad Habib-ullah.
Raja Saiyid Ahmad Ali Khan Alvi.
Rai Sahib Lala Anand Sarup.
Chaudhri Muhammad Ali.
Thakur Rampal Singh.
Rai Bahadur Kunwar Bisheshwar Dayal Seth.
Raja Jagannath Bakhsh Singh.
Mr. E. M. Souter.
Rai Bahadur Babu Vikramajit Singh.
Babu Gajadhar Prasad.

MEMBER SWORN :

Khan Bahadur Saiyid Abu Muhammad.

QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

*1—7. **Mr. Zahur Ahmad** : (*Postponed at the request of Government.*)

SEPARATE REPRESENTATION FOR MUSLIMS ON THE MUNICIPAL BOARD OF HARDWAR UNION.

*8. **Khan Bahadur Maulvi Fasih-ud-din** (*absent*) : Are Government aware that the Muslims of Jwalapur, district Saharanpur, held public meetings and applied to Government to introduce separate representation for Muslims on the municipal board of Hardwar Union ?

The Hon'ble Minister for Local Self-Government (Nawab Muhammad Yusuf) : Although the Government are aware of the desire of the Muslims of Jwalapur for separate representation on the municipal board of Hardwar Union they have not received a formal request to that effect through the district magistrate.

*9. **Khan Bahadur Maulvi Fasih-ud-din** (*absent*) : Will the Government be pleased to state what are the reasons for depriving the Muslims of Hardwar Union municipality of the benefits of separate representation ?

The Hon'ble Minister for Local Self-Government : In 1917 the Hardwar board made a unanimous application that the rules which the Government may make under section 11 of the Municipalities Act should not be applied to the Hardwar Union, but that the board should remain constituted as it was before the Municipalities Act of 1916 and the Government then accepted their request. This is not the only board without separate representation. No provision has been made for this in Brindaban or Mussoorie.

*10. **Khan Bahadur Maulvi Fasih-ud-din** (*absent*) : By what time do Government intend to establish separate representation in the said municipality ?

The Hon'ble Minister for Local Self-Government : The honourable member is referred to the answer given to the second portion of starred question no. 25 on Tuesday 23. Government are unable to give a definite time by which separate representation in the Hardwar Union will be introduced.

*11 & 12. **Khan Bahadur Maulvi Fasih-ud-din** (*absent*) : (*Postponed at the request of Government till March 8, 1932.*)

*13. **Khan Bahadur Maulvi Fasih-ud-din** (*absent*) : (*Postponed at the request of Government.*)

DISTRICT BOARDS ACCOUNTANTS.

*14. **Khan Bahadur Maulvi Fasih-ud-din** (*absent*) : Are Government aware that the requisite qualification for the appointment to the post of the district board accountants is the possession of a certificate of accountancy ? If so, what are the reasons for not fixing the same qualification for the municipal accountant ?

The Hon'ble Minister for Local Self-Government : (i) Yes.

(ii) The honourable member is referred to Government notification Municipal department, no. 2958/XI—889-E, dated December 13, 1927, publishing precisely similar rules for the conduct of the municipal board accountant's examination.

FAILURE OF MUNICIPAL BOARDS TO APPOINT THEIR CHAIRMEN.

*15. **Khan Bahadur Maulvi Fasih-ud-din** (*absent*) : Is it a fact that certain newly created municipal boards could not appoint their chairmen within ten days owing to the injunction issued by the civil court not to appoint a chairman till further orders ?

The Hon'ble Minister for Local Self-Government : Yes.

*16. **Khan Bahadur Maulvi Fasih-ud-din** (*absent*) : Is it a fact that although the boards had fixed a date for the selection of a chairman within ten days they were prevented from doing so by the order of the civil courts, and yet the Government decided that the boards had failed to appoint their chairmen and the Government or the Commissioners nominated their own chairmen ?

The Hon'ble Minister for Local Self-Government : This was the case with some municipal boards. Government were advised that there was no legal objection in such circumstances to nomination, and as chairmen were obviously necessary in the interests of the board's work, those who appeared most likely to command a majority on these boards were nominated.

*17—21. **Khan Bahadur Maulvi Fasih-ud-din** (*absent*) : (*Postponed at the request of Government.*)

*22—31. **Pandit Shri Sadayatan Pande** : (*Postponed at the request of the honourable member concerned till March 2, 1932.*)

**RESOLUTION *re* CO-OPERATION OF ALL PARTIES IN THE
INAUGURATION OF A NEW CONSTITUTION FOR INDIA.**

Babu Brijnandan Lal : Sir, I beg to move—

That this Council recommends to the Government to communicate their request to the Governor General in Council to convene a meeting of the Leaders of the various parties in the country in order to find means for settlement and to secure the co-operation of all the parties in the inauguration of the new constitution for India.

I am very thankful to Chaudhri Arjun Singh for giving me this opportunity of obtaining the verdict of this House as to whether these provinces want that the political struggle should continue or whether an earnest effort should be made to bring about a settlement so that peace may reign again in this land. While we are talking and debating in this House, hundreds of our countrymen are filling the jails. There are families in these provinces in which only one or two men are left in their homes ; the rest have preferred incarceration to freedom. People belonging to respectable families are undergoing imprisonment. They lived in comfort all their lives, but

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now they have chosen the path of suffering. Why have they chosen that? Because they rightly or wrongly believe that they will get self-government by doing that. We may not agree with their methods, but nobody can question their motives. I myself am not a believer in this civil disobedience movement, but I have every respect for the sincerity of their conviction and I am sure every Britisher has. Let us see why His Majesty's Government and the Government of India want to suppress them and have adopted a repressive policy. This is what Sir James Crerar, said in reply to Sir Hari Singh Gour when he moved the resolution on the political situation in the Assembly a few weeks ago :—

“The task of the Government is to carry forward constitutional advance and it would be impossible for this policy to be carried out with the co-operation of the great interests unless we simultaneously maintain conditions whereunder such policy could be profitably pursued.”

If there is no difference in the goal of the two, what is the obstacle in the way of a settlement? All that is needed is a little give and take on both sides. After the first Round Table Conference an effort was made to make a settlement with the Congress. It was thought that it was the most popular party in the country and it is still the case. The Congress appointed its sole representative Mahatma Gandhi to attend the Round Table Conference on its behalf. Mahatma Gandhi did not give up the hope of a peaceful settlement. Still we see this struggle. Lord Willingdon said that Mahatma Gandhi did not want this struggle, but as he himself rightly pointed out, the march of events overpowered him. In the same speech Sir James Crerar said —

“The Government, I claim, have given practical proofs of the sincerity of their intentions. There was the first Round Table Conference with the Premier's declaration. Then followed the most important event, the Delhi Settlement. The Government had in many quarters been very seriously criticised for the part that they took in that settlement. For myself I look back upon it not with an atom of regret.”

Some people might have criticised that settlement, but the well-wishers of both the countries, England and India, were jubilant over it. There was happiness throughout the country and I appeal to Lord Willingdon to restore peace again to this land. I as a firm believer in the British connexion appeal to him to see that the link between England and India is not weakened. Lord Willingdon will then be remembered by generations to come as one who saved India from untold suffering.

Indians have still got faith in England. There is no Indian who has not got a soft corner in his heart for Englishmen. Anyone who has worked with them will admire the qualities and their devotion

to duty and loyalty. Gentlemen sitting on the opposite benches led by Mr. Blunt are an example of them. I am reminded of an incident which I read in the *Pioneer* the other day. When the Franchise Committee was leaving a village in Faridpur they met four Congress men carrying a banner with the words 'Lothian go back' inscribed on it. Lord Lothian walked up to them and discussed with them the electoral problems, but he discovered that these Congressmen were under arrest for creating disturbance. He recommended for their release which was immediately arranged. And the Committee which had found itself being jeered at was greeted with cheers. This is the thing, I submit, which will be more effective than any repressive policy. This method of solution will be more effective than anything that the Government can do. Why is the repressive policy wanted? Is it wanted to crush the Congress? I submit that it will not be possible even if the mighty Government succeeded in crushing the Congress; what purpose will be served? Government wants to give India dominion status, then why should it alienate the sympathy of a vast number of my countrymen. I appeal to Congressmen to give a response to Government if the Government of India call a meeting of the leaders of the various political parties. In a peaceful settlement lies the salvation of both the countries. I have tried to make this resolution as little controversial as possible. I do not condemn the Government in the hope that the House will vote for the resolution unanimously. I do not condemn the Congress. I want a peaceful settlement and as a peace-loving man I hope that the Council will give me full support in connexion with this resolution.

Hafiz Muhammad Ibrahim. Sir, the resolution which has been moved by my friend Mr. Brijnandan Lal is a very innocent one. It introduces no subject which can in any sense be termed controversial and I suppose that the Government will easily accept this recommendation. It asks for an amicable settlement of the Indian question. About it there can be no doubt that it is the most desirable thing and I think that His Excellency the Governor General in Council will do a great good to humanity if this suggestion of my honourable friend is accepted.

I am glad that Mr. Brijnandan Lal thought of this prime necessity; all of us must follow him and this House ought to pass this resolution unanimously. The suggestion that is not mere idealistic or philosophical but is capable of achieving practical results. I think no one will dispute when I say that India must get at least as much as the majority of its people want. If one desires to determine and find out what India wants I think the best possible course is to collect together, to assemble in one place, all the political parties, all their leaders, and put the question before them and ask them to resolve by their majority what they want. Whatever is decided there that will undoubtedly be the will of the majority and in that case it will be good and advisable for the Government to accede to as much as that all party meeting wants. It is said, Sir, that there is a party in the

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country. I mean the Congress party and that party is irreconcilable. It is impossible for the Government to reconcile them, to bring them round to any formula for the advance of this country. I submit that I differ from this view. I do not think that they are irreconcilable. It is possible for the Government to make them agree and bring them round if the Government think that what they want is just and proper. There can be a difference of opinion, we may differ from them, but as a matter of fact, in justice and fairness nobody can say that the demands put by the Congress were in any sense inadvisable or unjust. It is possible that we may differ from them in the method of achieving those objects. We may say that the way pursued by them for getting advancement of this country is ruinous, the civil disobedience movement will be a disastrous thing for the country, but so far as the goal, as far as the object is concerned, I think there can be no difference. As if, Sir, there is anyone who alleges that the demands of the Congress are ahead of the times, they are far advanced, they are not suited for the present circumstances of the country, I think that question can best be decided by a meeting of all the political leaders of those persons who have got any political sense in India. It will be necessary that Congress party also should be represented on that meeting, their leaders also should be given an opportunity of putting their viewpoint before that meeting. If they succeed in convincing the meeting of the truth of their allegations then I hope there will be a case which will be unanimous. On the other hand if their view is discarded, I think in that case the Government will be enlisting the sympathies of those persons who form that majority. That majority will be with the Government in discarding what is said by the Congress party.

Well, it is said that, Sir, it is because of the Congress movement which is ruinous that Government have resorted to repression. They have begun ruthlessly to send people to jails for their so-called crimes which they commit simply out of pure motives of love for their country. Well, Sir, that is a question—whether that party can be crushed or not; but there is one thing which is quite certain, but about which there can be no difference of opinion, that repression cannot crush in any country any movement for freedom. It always engenders disaffection; it always recoils on the Government itself; it turns the people against the Government, and I think that if this repressive policy is to be pursued any further the object of the Congress will still more be achieved. The Government will be handicapped in their attempts they have been making to arrest the progress of the civil disobedience movement. They have not succeeded as yet, they may say that they are succeeding, but I will assert, and assert emphatically, that the movement is gaining ground and is spreading throughout the whole of this country; and only because of the repression by the Government. The more it is repressed, the more it will go on, and it will be impossible for the Government to arrest it at any stage. There will come a day when.

the Government will realize their mistake and will have to admit what is being said about it on the floor of this House today.

Sir, as far as the justice of the action of the Congress people is concerned, I submit that if we mean to be fair to everybody, if we do not wish to view things in a biassed spirit, then I will submit that there may be justification for them to launch the civil disobedience movement. If even we who are constitutionalists, who are still working within the law, who think that the salvation of India may be achieved by lawful means—if we look at the question with justice and fairness, I submit that the blame will go more to the Government side than to that of the Congress. Sir, to justify my remarks I will mention before the House some words that were spoken by Lord Morley in the speech that he delivered in the House of Lords on September 17, 1909 in introducing the Reforms Bill. He spoke about repression, and about the laws which were framed at that time for the purpose of crushing the movement that was going on at that time. Then he said :—

“ I do not ignore the frightful risks involved in transferring what ought to be power under the law into power of arbitrary personal discretion. I do not forget the tremendous price we pay for all operations of this sort in the reaction and excitement which they may provoke, but there are circumstances in which a responsible Government is bound to run these risks and pay its possible price.” There he is justifying the necessity by clearly admitting the risks involved in that sort of policy on the ground that the Government under such circumstances may be justified in adopting a thing like that. I will submit, Sir, that if we know and fully realize that the leader of the civil disobedience movement, Mahatma Ghandi, is not insane, that those who are following him are not mad people, they are perhaps more educated than many of us are, they have got much more experience and they command much learning, I think, Sir, that there should be some justification for them also. If a Government can justify itself in a position to adopt repressive policy I will submit, that liberators of countries may also find themselves in certain circumstances forced to adopt movements like civil disobedience. Sir, it will not be proper, it will not be fair for us to condemn wholesale the Congress people. We may condemn those who are carrying on the civil disobedience movement, but as a neutral party and as persons who can see both the sides of the question without any bias I think it is the duty of every one of us who profess to be constitutionalists, who are well-wishers of the British Empire to put the truth before the Government and tell them plainly “ there lies your mistake and there you have to rectify it.” Sir, by having resort to a conciliatory policy we should be able to win more sympathy of the Indian people for the British Empire and it will be to the advantage of both the countries to do so. There was a time when the Government could refrain from adopting this policy, but unfortunately they did not think it proper to do so at that time. Mahatma Gandhi before being arrested made a request to His Excellency the Viceroy for an interview, but it

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was rejected. I think, Sir, that that rejection cannot be justified on any grounds. Mahatma Gandhi, if my information is correct, was prepared to extend his co-operation for some time more and to hold in abeyance the civil disobedience movement, but unfortunately that opportunity was not given. Why? It may best be known to those whose task it was to decide but to my mind it appears that that policy was not a wise one. Well, Sir, now if we look to the consequences of the repressive policy through Ordinances I think in no case and in no way will it be found less ruinous and less deplorable than the consequences of the civil disobedience movement. It is said, Sir, that civil disobedience movement creates lawlessness, it creates chaos. It may be so, it may be true but, Sir, if we look to the repression I think we shall have to admit that the Government also are creating lawlessness.

Are the Ordinances that have been promulgated any kind of laws? Certainly not. By means of these Ordinances the most elementary rights of people are being taken away; the liberty of action, the freedom of speech and of press as well as the security of property are all being violated. Under the law of to-day I may be punished for the sins of others. A father may be punished for the sins of his son. All my property can be taken possession of by Government for no fault of my own. Is this law? I respectfully submit that it is no law. It is a lawless law. With this state of affairs no man can feel satisfied. In my opinion no Government can feel justified in promulgating such laws under the pretence of law and order. What then it comes to is that on the one hand I find Government bent upon creating lawlessness, on the other I find a party in my country which also is pursuing a path of lawlessness. In such circumstances for a weak man there is no protection even on the side of Government. This being the deplorable state of affairs I submit that the best course that can be adopted by the Government or by any well-wisher of this country or of England or even of the whole British Empire is to devise measures to seek the co-operation of all the parties in the land. With these remarks I support the resolution and hope that it will be unanimously supported by the House.

Rao Bahadur Thakur Bikram Singh : Sir, the resolution before the Council is no doubt a very delicate one, but under present conditions it will have to be admitted on all hands that the present is a very opportune time to move such a resolution. The honourable mover of the resolution, Mr. Brijnandan Lal, is not a believer of the civil disobedience movement as he said nor is Hafiz Muhammad Ibrahim, who spoke next in support of the resolution. We all know that the Congress at the last moment decided to take part in the proceedings of the Round Table Conference, and was represented by Mahatma Gandhi, and had it not been for the hasty action on the part of the Congress by launching upon a campaign of civil disobedience, Government would have had no excuse whatever for promulgating the Ordinances.

From a fair point of view this should not be lost sight of that before the accomplishment of the decisions of the Round Table Conference the action of the congress to start civil disobedience movement was a hasty one. I have no thought of opposing the resolution, and I must at the outset make it very clear to you and to the House that I am an Indian first and everything else afterwards. I am a lover of India's freedom, but I do want that we the Indians and Britishers must work hand in hand and heart to heart and in a straightforward manner. I am not one of those—and I should not be misunderstood—who support the action of the other party. Personally I have sometimes been accused of being a staunch loyalist of the Government. Views are different, Sir. We see our nationalist friends leading the opposition now, but does it mean that since the Congress is not in the Council, they are not the lovers of the country? Yes, they are. There is only a difference of opinion. We must now look to the fact why the Government was compelled to adopt coercive measures and have got to see who accused the Government. It is beyond question that the Congress and the heroes of civil disobedience movement accused the Government. Another point is why the Government was accused? To the best of my knowledge nowhere in some of the districts of Oudh or elsewhere there was a single case where Congress heroes or the organized volunteers of the Congress attacked any government building or assaulted any officer of the Government. I say this at least with regard to my own information. But in certain districts of our province, with which we are mainly concerned, they attacked and brutally murdered certain taluqdars and zamindars. (A voice: Question?) In Rae Bareilly, in Bara Banki there were such cases and also in Moradabad. I may be corrected if I am wrong. If Congress had not accused the Government, naturally the zamindars would have accused the Government for not sheltering them. I must advocate the cause of zamindars here because they depend on the support of Government and the Government must remember that Government should also depend on the zamindars' support. At least the Government of Sir Malcolm Hailey is a proof of this. We as zamindars are all grateful to him for having taken necessary steps to help the zamindars. The Government of Sir Malcolm Hailey was sufficiently accused of adopting coercive measures. True it is that he took coercive steps, but there was no alternative left, and look at the other side of the picture. The patience of His Excellency's Government had exhausted, and they were forced to adopt some check and that was necessary to adopt. Everywhere we had to face the same difficulties. As my friend just pointed out—I am not going into further details, otherwise I can put forward numerous examples where our rights had been challenged and we were told that we were not to collect rents from our tenants and we were being handicapped by the movement in other ways. But I think that I had better not discuss this, so that there may not be any unpleasant atmosphere. The resolution means an honourable settlement between the Government and the Congress. We sit here as Nationalists, as Independents and so on. If there is any dispute

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between the Government and the Congress, we must all join in the hope and prayer to the Almighty that good sense may prevail among both parties and that an honourable settlement may be arrived at. I shall be failing in my duty if I do not say what is a fact. It will have to be admitted that there is a great unrest in India, and as the staunch supporter of Government I would appeal for an amicable and honourable settlement. It is no use repeating the same arguments again and again and I refrain from doing so. My only submission before the House is that this resolution, as it stands and as it is worded, deserves the unanimous support of the House, because it is a mere recommendation to His Excellency the Governor-General that a meeting of all parties may be convened and that there may be a settlement. This was done by His Excellency the late Governor-General, Lord Irwin. All parties were invited and a settlement was arrived at. It will therefore be a mistake on the part of the House and it would be failing in its duty if it does not press the same thing. All that the resolution wants is that all parties may be invited and, if possible, an amicable and honourable settlement arrived at. I do not say one single word either against the Congress or against the Government. We simply want, as this resolution is worded, that please do meet and do away with the unrest in India. I am sure that nobody would dispute the fact that there is unrest in India, but I think that the Government would not like to be accused of not trying to do their best. This resolution means nothing else, and I do not see any reason whatsoever why there should be the slightest opposition to it. It would be unfair and untrue to accuse the Government for the past repressive measures. Whether it be the British Government or the Indian Government—every Government has to check lawlessness and disorder and it is its duty to check undesirable action, whether it be on the part of the Congress or anybody else. Suppose, if I, a staunch and earnest supporter of the Government, should break the law of the Government, my loyalty will go away and I shall meet the same fate as others in spite of the traditional loyalty of my house. When the question of Government comes in every Government is bound to take notice of these disorders and lawlessness. I want to make it clear once more that from my speech it may not be understood that I have thrown the blame entirely on the Government or the Congress. The action of the Congress in starting the civil disobedience movement in Allahabad was undoubtedly unjustified and under these circumstances it will be unfair and untrue to accuse the Government. But whatever it may be the dispute was between the British Government and the subjects of the British Empire. If they could possibly meet and settle their differences I think the Government should not miss this opportunity if it is at all possible. I only wish that India may be once more free of this unrest and real freedom may take place, freedom which comes by the sacrifice of certain interests, is really not real freedom. Of course in this freedom we may have numerous differences, but why should we not join, why should not the Congress join. We all are aiming at such freedom. Who could deny that. Even the Government or Europeans do not deny

that. Of course opinions differ. I have said enough and I should not detain the House any more. But once more let me request the Government, Sir, not to oppose the resolution as to the best of my knowledge I find that there is nothing to oppose.

ELECTION FOR THE SELECT COMMITTEE ON THE U. P.
DISTRICT BOARDS ACT (AMENDMENT) BILL.

The Hon'ble the President : May I just interrupt the course of the debate by the announcement that the ballot box for the election of members for the Select Committee to amend the United Provinces District Boards Act X of 1922, will be in the Members Waiting Room from 12 to 1-30 p.m. and members desirous of voting may kindly go there and give their votes.

RESOLUTION *re* THE CO-OPERATION OF ALL PARTIES
IN THE INAUGURATION OF A NEW CONTITUTION
FOR INDIA.

The Hon'ble the Finance Member : This is a very important resolution. Unfortunately it has been worded in so vague a way that at first it was impossible to decide what particular line Government would take on it. I make that perfectly plain at once. It depends entirely on the way in which it is handled by the mover and other speakers. It has rightly been said that as it stands it is one that could easily be accepted, but we have had a lesson. As I expected, two lines have been taken. One has been taken by the mover, another has been taken by the gentleman who followed him. They illustrate very clearly the difficulty which Government was in when it first considered this resolution. I think I may safely say at this time of day that everybody is a Swarajist, meaning by that that everybody desires India to be self-governing. That is, of course, true of all parties in the House, but I am prepared to say it is equally true of the present Government, the bureaucratic Government, the people who are either heaven born or Satan's spawn according to taste. We have no desire whatever that India should not have Swaraj. In fact, we desire that she should, and a good many of us myself amongst others are spending a good many extra hours at work in the endeavour to make it possible. And since that is so, we cannot but sympathize with the principle of the resolution. We can agree with the mover that what is wanted is peace. But it must not be peace at any price. If what the mover means is that a fair opportunity should be given to all parties, including the Congress leaders, to get together and, in the words of the resolution, "secure the co-operation of all parties in the inauguration of the new constitution for India," then we are with him. But what must not happen is what has happened in the past, namely, that one party should take on itself to dictate to Government how to rule the country. That is a totally different matter. If they are prepared to discuss with Government, to discuss with the other parties, the terms of the new constitution, well and good,—in fact, better than good,—

The Hon'ble the Finance Member.]

excellent. But if the idea is that they will do as they have done in the past; if they are merely going to tell us that our remissions of rent, for instance, are totally inadequate, that this, that or the other thing that Government may have done is wholly unjustifiable; and not only that, if they are going to interfere with and frustrate Government's policy at every turn, then, I say again, that is a totally different matter. Sir, we have often been asked (Government I mean) to show a change of heart. It is rather a vague term. But on this occasion I am going to ask the Congress to show a change of heart. We have been told that there are hundreds of their followers in jail. Why? Take the no-rent campaign. It has been called "hasty", that is a mild term for it. I think everybody in his heart will admit that it was wholly and utterly wrong. Why was it done? It was not because the tenants were being unfairly treated. It was done solely because the collection of rents was about to start, and if they had waited a little longer the whole campaign would have failed. It was a sheer political movement and nothing else, and a wholly unfair move. Again, the civil disobedience movement was launched merely to impede and embarrass Government; and at this time, when of all times in the history of India, we want peace and complete peace.

Here we are doing our best to produce a suitable constitution for India, and in our proceedings we are to be impeded, annoyed, black-guarded at every step by people, who are taking this line, merely because though they want Swaraj they want to take it and do not want us to give it. That is the real difficulty; we have been reminded of the Lothian incident,—an incident that will go down to history, and we have been advised to act in the same way. But suppose we were to visit the Congress leaders in jail, and ask them their ideas about franchise. The Faridpur Congress men told Lord Lothian. Is there anybody who believes that their leaders would tell us. I said that the Congress should show a change of heart. Let me remind the Council that from day to day from minute to minute, the Congress has a chance of doing all that is necessary in that respect. We have been told that there are hundreds in jails; but about 25 per cent. of them have since been released on tendering an apology. Well, were the Congress leaders to say that they were prepared to let civil disobedience and no-rent campaign and all their other manoeuvres drop, and to come and assist in the inauguration of a new constitution for India, then I have not the slightest doubt that such an offer would be accepted. But it is for them to make an offer to Government. The move lies with them. If there is anybody here who has any influence in Congress circles, in God's name let him try to induce them to do it. That it will be welcome, I have not the slightest doubt. So much for one line of thought. I hope the honourable mover does not think that I am attributing all the arguments I have used to him. That would be wholly unfair. With what he says it will be completely possible to agree.

I now come, however, to the speaker who followed him. He has followed the old track. Whatever happens in the United Provinces

is bad, and the cause of it is invariably Government. I would ask him one or two quite plain questions. He has told us that the civil disobedience was pardonable, that repression was entirely wrong and Ordinances were entirely wrong. Well, Sir, which came first—the no-rent campaign and civil disobedience or the Ordinance? Which is the cause and which is the effect? Was it we who put in the Ordinance to stop the Congress from committing civil disobedience or did we put it in after it had started, to stop it?

I have always understood that the cause is more important than the effect. There was a third speaker. He made some remarks, I understood, to the effect that there have been no violent attacks by the Congress people on the police. I do not want to stress the point, but I want to remind the House of at least two instances in which it did occur. One was an attack in Gulaoti station in the Bulandshahr district where a Sub-Inspector was killed and another was at Soron station in the Etah district where a Hindu magistrate had to open fire.

Well, Sir, let me now sum up. I hope the honourable mover will make it plain what he means exactly by this resolution. If all he wants is peace, if he wants Government, or the parties or anybody else, to do what they can to secure peace, and having secured peace, to invite the co-operation of all parties in the inauguration of the new constitution for India, well, I have no objection—always remembering of course, that we can do nothing ourselves in the matter. We can only, as the resolution itself suggests, make a suggestion to the Governor-General. But if he means more, if he means wholesale pardon for all those people who have been causing, not only Government but the entire province unnecessary trouble and dangerous trouble, for the past eighteen months, pardon, moreover, without any sort of pledge that it will not happen again, then I say no. Peace we want, but it must be real peace. There should be no chance of recrudescence of trouble, and unless it can be absolutely guaranteed that there will be no fresh trouble and that the present trouble will cease, I must oppose the resolution. If, on the other hand, it is merely a cry for peace,—“let us make friends and get on with business,”—then I should not feel any desire to oppose it.

Rao Bahadur Thakur Bikram Singh : Sir, I want to make one point clear and it is this. When I was referring to the coercive measures that the Government have adopted, I meant that they were adopted only after the patience of His Excellency Sir Malcolm Hailey's Government had entirely exhausted, and when the zamindars and taluqdars were sufficiently harassed and civil disobedience had been launched. In fact it was to rescue these zamindars and taluqdars that the Government adopted these coercive measures. Further, what I meant to say was that there was no general attack on the police in the province as a whole and the Hon'ble Finance Member also has not mentioned many names. As regards Gulaoti, as he mentioned, I may say that when I came to know of it I myself went to see the whole state of affairs. But at this stage I had better not touch this point for this resolution is meant for harmony and cool atmosphere in the country. I hope I have made my position now entirely clear.

The Hon'ble the Finance Member : It is quite obvious that the Hon'ble Member has been misunderstood and I apologize for the misunderstanding, but since he has mentioned that fact, perhaps I may add a few words to what I was going to say. He has laid stress on the fact that Government have shown a certain measure of patience in the midst of all these troubles. I claim that we certainly have done so, and we shall continue to do so. But a time might come when Government which is composed purely of human beings, might find patience no longer possible. I do not think that we shall. I think we have probably got sufficient self-restraint, but the best course is to avoid the re-opening of the troubles through which we have been passing. "Let us have no more trouble of this kind and let us do nothing which may re-open it." Again I say if all that is wanted is peace so as to secure good Government, then by all means let us have peace, but any measure which in the name of peace might lead to further discord Government must oppose. We cannot allow them the chance of making a desert and calling it peace.

Thakur Balwant Singh Gahlot : The resolution as it is worded is very innocent. It neither censures the measures adopted by the Government to check the movement nor does it censure the activities of the Congress or any other political body. It is merely a request to improve matters by a conciliatory method. Sir, we may differ from the programme or the detailed activities of the Congress, but those people who call themselves Indians cannot differ from the motives of the Congress people. Moreover, the Congress people have taken upon themselves the path of suffering. This very fact that without enjoying many of the benefits or high offices which under the reforms they had the opportunity to enjoy they renounced them goes to show that they are sincere about their convictions. By this I do not mean that I entirely agree with their activities or with their programme, but certainly there can be no question about the sincerity of their convictions. Now, Sir, the request that has been made in this resolution is to convene a meeting of all the parties. If Mahatma Gandhi after his return from the Round Table Conference had not been denied the opportunity of seeing His Excellency the Viceroy, I think this resolution would have been much weakened. But because that opportunity was not given to him, so this resolution I think found its place for discussion on the floor of this House. It may be true that on account of these ordinances and other measures the movement might be subsided, but can there be any guarantee or is there any instance in the history of any nation that a national movement has been completely suppressed by legislations.

The Hon'ble the Finance Member : Who wants to suppress ?

Thakur Balwant Singh Gahlot : The Hon'ble the Finance Member remarked that the no-rent campaign came first and then the Ordinances. Certainly, Sir, that was correct but my submission is that Mahatma Gandhi should have been given an opportunity of seeing His Excellency the Viceroy and then the remark would have been well founded. This no-rent campaign had its opponents not only among the loyalists,

not only in other people, but even in many congressmen as well, and I may point out that Lala Bhagwan Das of Benares himself in an open letter denounced this no-rent campaign. If the Government had waited a little, I think the necessity of passing the Ordinances to stop the no-rent campaign would not have arisen.

The Hon'ble the Home Member : We could not wait as collections were impending.

I welcome this remark that we could not wait because the time of collection of rents was coming near. I think in that case the no-rent campaign was not launched in any other district except Allahabad.

The Hon'ble the Finance Member : It was launched in five districts.

Thakur Balwant Singh Gahlot : It may have been in five districts, but this resolution as it is worded simply wants that the leaders of all the different parties may be called together to co-operate in the inauguration of the new constitution. Now, Sir, there is a very important factor which should be taken into consideration, and it is the war that is going on in the near east.

The Hon'ble the President : I think the Hon'ble Member is going too far.

Shaikh Muhammad Habibullah : I think he means the war that is declared in India.

Thakur Balwant Singh Gahlot : My point was that one of the Britishers recently gave an article in the papers that as long as India was under the subjection of British rule the exploitation by one nation of another nation will not be put a stop to. Because undoubtedly Britain holds the supreme position in the politics of the world and as long as her promise to free India was not fulfilled it was not in a moral position to stop other nations from exploiting the others or bringing them into their subjection. So, Sir, I support this resolution and hope that there will not be any obstacle in this resolution by the Government as well.

Munshi Gajadhar Prasad : To me the scope of the resolution as put by the honourable mover appears to be very modest. He could have easily gone much further but the way in which the resolution has been worded is really innocent, and I really fail to understand why there should be any cause of anxiety. Now, Sir, it is a settled principle of every form of Government in any country that the people ought to be consulted with regard to certain reforms that are being given to them and the Government should know definitely what is the attitude of the people with regard to those reforms. Now, Sir, it is very well known that the judges administering justice have got to come to some conclusion with regard to certain facts that are before them, but it is equally their duty and a grave duty that the parties concerned must get an opportunity of representing their case in the way in which they want to put those facts before them. Well, if it be the settled policy of the Government that beggars cannot be choosers and it is wrong on the part of the people

Munshi Gajadhar Prasad.]

to look a gift horse in the mouth, then I must submit I have nothing to say. But from certain utterances made both in England and in India from time to time on momentous occasions we have been assured that the wishes of the people will be taken into consideration before the reforms are ushered into this country. So all that the resolution is demanding is a demand based on such rights as have been vouchsafed to us before. Now, Sir, people everywhere, whether in this country or elsewhere, are grouped together under certain parties, and what the resolution brings forward is that the leaders of those parties be sent for and their views be taken in order to arrive at some sort of settlement. As to what form that settlement will eventually take would depend on the conclusions that may be arrived at as a result of the discussions at that conference.

So far it is plain sailing. But the point for consideration really is whether a general invitation to the leaders of various parties in this country will at this juncture elicit any response. This is really a thorny question and demands very tactful handling.

In regard to the repressive measures that are being adopted in the shape of Ordinances and with respect to the coercive measures that are spreading all over the country, I beg to submit that not only the sympathies of persons belonging to the congress movement but of others also whose solicitude for the Government are well known have been rudely shaken. I will just quote an answer given on the floor of this House in answer to a question put by Mr. Chintamani:—"On January 31, the number of persons convicted in connection with the civil disobedience movement and placed in C class was 3,141, in B class 91 and in A class 22. On January 31 last the number of women sentenced to imprisonment for similar offences and placed in C class was 68, in B class 12 and in A class 3." Now, Sir, in view of the way in which these ordinances have been administered, the way in which these people have been sent to jail, I submit it will not be possible, by merely sending an invitation to various people, to convene a conference. Government will have to consider very carefully what means they have to adopt before convening a meeting of the parties, before making a recommendation to the Government of India for convening a conference of that type. The House would very much like to know, with regard to those cases where persons have been sent to jail, what complaints were made to Government—whether the members of the civil disobedience movement really interfered in any way with the law-abiding citizens or they were sentenced merely for doing certain things which may be said to be a mere child's play—for instance, for disobeying an order promulgated in a particular town that if they entered a certain building, or if they crossed a certain road, or if they advanced a step further they will be sent to jail. Instances have been appearing in the papers, but it will take a long time to take the House into the details of those cases, but it is a matter of common knowledge now that it is essential that the orders passed by the Government, or by the executive authority, should be reconsidered. And unless that is

done Government may take it for granted that not only the swarajists but every one else, every loyal citizen, every person, whose motto, if I may say so without disrespect, is that Government can do no wrong, will come to the conclusion that Government have exceeded the limits and may go over to the other side. My honourable friend who has just preceded me has said that as a matter of fact if Mahatma Gandhi had been given an opportunity to put his case before His Excellency the Viceroy or before the Indian Government certainly matters would not have come to the stage at which we find them today, but his appeals fell flat, and the Ordinances were ushered in and the maximum punishment provided in the Ordinances was lavishly given. It was on account of this that the civil disobedience movement was started, and if for a short while, even for two weeks or less Government had stayed their hands probably all these troubles which we find today would not have arisen.

Now, Sir, even the Swarajists or the members of the movement known as the civil disobedience movement have got a right to be heard, and if their efforts have not succeeded it is not wrong on their part to take to certain measures which in their own way they consider to be right whether we think them to be right or not. If they have loved their country they have perhaps loved it too well and not wisely and I would say in the words of Lord Morley—

“It is a fundamental principle in any Government that you are bound to consult and take into consideration all the opinions and even the prejudices of those affected.” If there may be cases which do not come strictly within the canons of opinion and if they are more of the nature of a prejudice, a Government has got to take them into consideration. With these few words, Sir, I respectfully submit that the resolution should be forwarded to the Government of India and means may be adopted as the Government may be advised or as the Government may think proper to convene a meeting of leaders of various parties so that we may have some form of settlement at as early a date as possible and the people may at least have the satisfaction that they were given an opportunity of putting their case in their own way.

***Rai Rajeshwar Bali :** Sir, the Hon'ble the Finance Member in dealing with this resolution started by referring to the two speeches made by the honourable mover of this resolution and my friend Hafiz Muhammad Ibrahim Sahib. I am sincerely sorry that I was not present when these two speeches were delivered and therefore I am not in a position to see the difference between them which was pointed out by the Hon'ble the Finance Member. Looking at the merits of the resolution it appears to me that the difference between the attitude of those of us who are on this side of the House and that of the Government is this. They say that the present political situation has been forced on them, they are helpless and unless the Congress gives some sort of guarantee that it will not revive its activities in any form the Government cannot proceed with the

*Speech not revised by the Hon'ble Member.

Rai Rajeshwar Bali.]

matter. Now, Sir, I believe we have all, who are here, made it clear that, so far as the starting of the no-rent campaign is concerned, we consider that it was an ill-advised and hasty action on the part of the congress.

We made it quite clear when we were discussing the adjournment motion in the December session that we had absolutely no sympathy with this part of the congress programme, and the Leader of my party even supported the Government at the time on the understanding that the Ordinance would be used as sparingly as possible and only with the object of suppressing the no-rent movement. But, Sir, is the record of the Government in this matter as free from blame as the Hon'ble Finance Member has tried to make it to be? Do we not know that Ordinances after Ordinances have been hurled at us in quick succession? Do we not know that an interview, which was sought by Mahatma Gandhi, was refused to him by His Excellency the Viceroy? Sir, looking at the trend of past events, it would not be unreasonable to suppose that in case the interview which had been sought by Mahatma Gandhi had been granted to him, it was quite possible that the no-rent campaign might not have been allowed to continue. It is quite possible that Mahatma Gandhi could have been able to put a brake on the enthusiasm of the hot-heads in the congress. I agree with the Hon'ble the Finance Member when he says that the no-rent campaign was not started so much with the object of giving relief to the tenants as with that of getting a political advantage for the congress. But, Sir, what we find today is that the extremists on both sides—on the side of the Government as well as of the congress—have forced the country into the present situation. I know that the move first came from the side of the congress. But if the Government had exercised a little more restraint, perhaps many of the difficulties of the present situation would have been avoided. Then, Sir, I do not wish to forestall the discussion on the resolutions which will be coming on later in the day. But I believe that many of us would agree that, so far as the administration of these provinces is concerned, this has been done more rigorously than was demanded by the needs of the situation. In effect we find that both the congress and the Government have tied themselves in a knot, and the result is the present impasse in the political situation. Whoever may be to blame or whoever may have started the trouble first, we have now to consider whether we can let the present impasse go on indefinitely. This, I believe, is the crux of the present situation. The fact is that there is a deadlock today. Now, is there a way out of it?

If we were to accept the prescription suggested by the Hon'ble the Finance Member it would be something like this that let the congress give an undertaking that it will no more take part in any activities of the present sort and then the Government will be glad to invite it to meet at a conference. But, Sir, does it not mean that you are asking for what is absolutely impossible? Does it not mean that

you think that by pursuing the present policy of repression you will be able to kill the movement to such an extent that it will compel the congress man to approach you with folded hands and ask you to give him a seat and then you will allow him to participate in your discussions? Sir, I need not say that I am no apologist for the congress. In fact I made it perfectly clear that I considered and do still consider that the congress was greatly to blame in starting the no-rent campaign and that we at least who are here have no faith in the subversive doctrines of the congress. In fact, we strongly repudiate and strongly oppose the principles which are aimed at the destruction of order and progress of the society. They are principles which have landed us in a state of hopeless confusion. We want order in the country. We want progress by a process of evolution and not by a process of revolution. All the same we do think that in spite of this the Government cannot be so bankrupt in statesmanship that they cannot find any other way out of the impasse, except unless they can bring the congress to its knees. We do think that after all the path of statesmanship lies in devising such means as would bring peace to the country. The Hon'ble the Finance Member said that the alternative lies between peace and peace at any price. Personally, Sir, I do think that if the Government so wish they can find out a *via media* between the two alternatives. I do not wish that the Government should have peace at any cost, but at any rate I think it is the duty of the Government to devise such means as bring about peace, and that peace can be attained not by continuing the present repressive policy but by some other means. If I understood the Hon'ble the Finance Member aright, my impression was that unless by continuing the present policy of repression the congress was brought to its knees the Government were not prepared to adopt any other course in order to bring that 'party into the discussions of constitutional problems. Well, Sir, I do not believe that that spirit will at all crush the party, but I believe that you must work out some constructive methods in order to bring round the congress and to show to those who believe in subversive methods that therein does not lie the path of salvation. You can still present a constructive programme so as to convince them and to bring them round to your views, so that they may be persuaded to give up their subversive methods. And it is here that statesmanship lies. I therefore submit that the Government should give due consideration to the motives underlying the resolution under discussion and in some way try to bring about what we call the Gandhi-Irwin pact again in order that some way might be found out of the present deadlock.

Khan Bahadur Hafiz Hidayat Husain : I welcome this resolution as bespeaking a spirit of co-operation. I am at one with the purpose of the resolution, and I do not know of anything which makes the Government unsympathetic towards it. In the present state of the country, the Government will be glad to receive offers of co-operation. I do not, however, think it is proper to apportion blame when it is sought to create an atmosphere of goodwill, either to one side or the other.

Khan Bahadur Hafiz Hidayat Husain.]

The state of belligerency must end. All the different parties must co-operate in order to attain the reforms which will come sooner than later. No Government can rule by Ordinances. No constitution can be stable unless it is broadbased on the goodwill of the people for whom it is meant. Therefore, Sir, it behoves every one of us here to see that the state of the country which is existing at present is not allowed to continue any longer and is immediately changed for the better. Sir, the old order is now changing, old institutions in which we took pride and from which we drew inspirations are giving place to new. Therefore every one of us ought to be ready and be prepared to usher with good grace the new order of things. I have heard a long catalogue here of the sins of omissions and commissions of the Government. There is, however, another side to the picture. One may well ask "Is the congress free from blames?" It started the no-rent campaign at a time when the country was not prepared for it. It was an ill-timed and inopportune movement. This House *has* recognized this fact already. In the December session of this Council, when I was away in England the opposition even co-operated with the Government in order that the no-rent campaign Ordinance might be executed, subject to the condition that the execution was limited to the very minimum. Now, Sir, it is stated that repression has been resorted to in order to replace law and order. It will be an irony of fate if in the name of law and order repression is introduced in the administration of the country. But, Sir, we must not forget that extraordinary circumstances call for extraordinary measures.

What was the condition of the country, what was the condition of the province at the time when the Ordinances were introduced. The no-rent campaign had started; hartals had begun; picketing was in full force. Undoubtedly the result of this would have been to throw the society in disorder, and to bring about a condition of things which would be nothing if not wholly subversive of law and order. Therefore it was imperative for the Government to introduce some measure which would restore society to normality.

That normality can be brought about by recognition or repudiation of several constituent elements. The first is the impudent claim of the so-called Indian National Congress. It considers itself to be the sole political body which can dictate both to the Government and the people of India the form of constitution which the country must have. This, Sir, is a claim which I entirely repudiate and the resolution itself bespeaks that repudiation. It says that this Council recommends to the Government to communicate its request to the Governor General in Council to convene a meeting of the leaders of the *various parties* in the country in order to find means for a settlement and to secure the co-operation of *all parties* in the inauguration of the new constitution for India. Well, Sir, it is mainly the militant element of the congress which is keeping out and not co-operating. What are the means then that should be devised in order to bring this element of the congress also into line with the other political bodies. I realize, and I have admitted this before, that unless and until all the parties

co-operate in bringing the reforms, even the new constitution will not bring in an era of stability and contentment. I think that for even this militant section of the congress it cannot be said that it is so implacable in hatred and so impervious to reason as not to respond to the call of moderation in demand and reason in method. If, therefore, the Ordinances do not meet with our approval, as certainly they do not, and if the ways of the congress do not meet with the acceptance of all sections of the people, then my submission is that it lies on the Government and much more so on those of us who could be heard in the ranks of congress to persuade it to mend its ways in such a way as to come into line with the other bodies of the people. After all when a constitution has to be worked out and the making of the constitution is not the work of a day, that constitution must also be launched with the approval of the congress, and the congress must also realize that agreement is possible only by meeting half ways. What I emphasize is that it is not only the duty of the Government but also the duty of all those who can have any influence in the counsels of the congress to so influence that body that it may mend its ways and come into line with all those persons who think that the better way is co-operation for by co-operation alone could a constitution be devised which would be acceptable to all parties in the country.

Khan Bahadur Maulvi Fasih-ud-din : The resolution that is put before us is really of very great importance and in my opinion if we have to maintain the reputation and good name of this Council we have to approach it not in a spirit of party politics but in a spirit of non-partizanship, not with any personal predilections, but with cosmopolitan broad-mindedness and in a spirit of patriotic nationalism. I am very grieved to find that some of my honourable friends who have been supporting this resolution have made it a means of ventilating their political views. I am afraid that they have been ill-advised in doing so and if they had refrained from doing so we would not have heard the speech of the Hon'ble the Finance Member that we have heard.

A good deal has been said about the mistakes that the Government have committed in various directions about the policy of repression which the Government are alleged to have been pursuing at the present moment. It has also been said that the Viceroy committed a very grave blunder in not having allowed Mahatma Gandhi to see him. I have just to make one or two remarks about this last accusation. I remember that when Mahatma Gandhi asked the Viceroy to give him an interview, at that time the propaganda of non-payment of rent was going on with full force and was increasing day by day. I put this case before this House. When two parties are fighting and one of the parties makes a representation to the other party to talk about peace, then it is up to that party which makes such a suggestion to stop fighting before it asks for truce or peace. If that was not done (I am not a very great politician, but I take the commonsense view) then in my humble opinion the Viceroy was thoroughly justified in refusing the interview, so long as the propaganda of non-payment of rent and the propaganda of civil disobedience were going on.

Khan Bahadur Maulvi Fasih-ud-din.]

However, that is a very minor matter. I should like to mention on this occasion a certain incident which throws a flood of light on this particular question. Some months back when I happened to be in Lucknow a meeting of the leading citizens of Lucknow was held at the house of a leading barrister of this place in which both Hindus and Muhammadans took part. We discussed the general situation and we drafted a sort of memorandum to the effect that the leaders of all parties should assemble together and carve out some means of reconciliation and the creation of mutual goodwill amongst the various communities.

That resolution was handed over to me by those who were present at that meeting to show it to the members of this Council and to ascertain their opinion and to find out if any steps could be taken. I showed it to one or two leading members of the Council, but I did not receive any encouragement, and so I had to drop the matter. Now we come forward with a resolution asking the Government to convene a meeting of the leaders of all parties in order to bring about a settlement of the unfortunate affairs that are taking place just at present. I think it is up to us, as has been remarked by my friend on my right, to hold a meeting amongst ourselves and see what we can do and if we can come to a definite conclusion about this matter, and there is absolutely no reason why we should not do so provided that we take into that consultative meeting right-minded men, we are sure to come to a definite solution of the question, and then we can approach the Government and say "here are our united demands" and in that case Government must accept them. That will, in my opinion, be the right course to adopt. We should not depend on the Government for everything that we want. We should take action on our own initiative and not go on our knees before the Government and ask them to do this or that. At present the real fight that is going on is between the congress and the Government and the Congress is not represented in this Council and, as has been remarked by Khan Bahadur Hafiz Hidayat Husain, there is very little chance that the congress will at all agree to this resolution of ours under the present circumstances. So I think it is up to us members of this Council to give very careful consideration to this question before we vote for it.

Shaikh Muhammad Habib-ullah : Sir, the resolution as it stands is to all intents and purposes a very innocent one and reads a very plain document, but as remarked by the Hon'ble the Finance Member, it is when one hears the speeches made in connection with the resolution, that the points of dispute and differences of opinion come in. Reading the resolution, Sir, one would think that it was framed after consultation with the leaders of all parties, that if such a request is made it will be possible to bring them about and to hasten the inauguration of the new constitution for India. Sir, this has been the aim and object of the people that the new reforms should come as quickly as possible. From the time the inquiry into the new reforms began, I think it has been the object of Government itself that the

members of all parties should be present in considering the new constitution for India. The methods employed by Government in getting the presence of that great man Mahatma Gandhi in Europe, I think, bear ample testimony to their anxiety that the congress, which is such a big organized body in this country, should be represented.

The question is whether it is for the Government and the Government alone to bring about such a thing or that it is for us, the people, who can hasten this. We find that Government and the congress are at present at war. I am using the word from the phraseology used by the leaders of the congress themselves. Now, Sir, what is the difference between the congress people and the other people of India? The congress only differ from us in methods and not in aims. Every one is anxious to have the rule of India in the hands of the people of the country. It is only in the methods which are employed to get that object that there is a difference. We the constitutionalists, as we may call ourselves, are not for direct action. We do not support anything in the form of breaking of laws such as civil disobedience and other direct actions, while the congress people differ from us in this respect and adopt methods which amount to breaking of law and order.

It appears to me that the only point taken by the members, who spoke before me, against the congress is the declaration of no-rent campaign by them. That is the only blame they lay on the congress. They say that but for the declaration of no-rent campaign perhaps there would have been no difference of opinion between the congress people and ourselves. I do not subscribe to this view. There are fundamental differences between the methods of the congress and of the other parties in India. [The no-rent campaign is only one of them. Now, Sir, again it has been said that the no-rent campaign was declared at a most inopportune moment by the congress. Sir, I may say that the no-rent campaign had been in existence long before it was declared. Its propaganda was going on for a year or more before it was declared formally that it should be introduced. Those who are acquainted with village life and the activities of the congress know too well that the congress agencies were at work among the villagers, advising them not to pay rents. What was that, I ask, when the tenants were told to pay as much as they could after setting aside for their needs, and if there was any saving then pay, otherwise not. Long before the no-rent campaign was declared the congress were advising the tenants not to pay more than half, i.e., 8 annas in the rupee. In fact the congress began to exert its influence on the ignorant masses long before they started this propaganda of no-rent campaign. It is said, in fact it is justified that in order to check this propaganda of no-rent campaign it was permissible that Ordinances were promulgated, and the issue of other Ordinances is the point against which criticism is levelled at this moment. But none of my friends has criticized any Ordinance in detail so far on the merits.

I do not know why that great man, Mahatma Gandhi, has been dragged into the controversy of this resolution. It has been said

Shaikh Muhammad Habib-ullah.

that if he had been allowed to interview His Excellency the Viceroy, the position today would have been better. This is merely a supposition. Who knows the situation might have been worse, because soon after the Mahatma had landed in Bombay and made a second application for interview, the congress had already passed a resolution for the starting of no-rent campaign. Of course, Mahatma is after all an astute politician and we cannot say what exactly would have happened if he had been allowed to interview the Viceroy. His methods are quite different from ours. I think it is now for the rest of the country to oppose the congress and bring them round to our way of thinking. It is not for the Government to ask the congress leaders to make peace and thereby bring about the new reforms. The Government, I may say, are entirely helpless in the matter. If we and Government have the same point of view, there is no reason why we should not bring down the congress at our feet. Government cannot ask the congress to come and join in the work of constitution-making, being sure that they will not be content with whatever reforms are given to India. I must, however, admire the way in which the Hon'ble the Finance Member has answered the previous speakers. He has dealt with the whole question in a businesslike manner. He has said "yes" to the points to which he could agree and "no" to the points to which he could not agree and no analysing his "yes" and "no" I find that he is absolutely correct. Anybody in his position would have said that if Government were asked to make peace at any price it would be impossible. They say that it is for the Government to devise means to secure the co-operation of congress and to frame a constitution, but Government will always say that it is not for the Government to devise any means for that purpose, because they are at war with the congress and the congress people will never listen to what the Government say. It is for us to act as intermediaries between the Government and the congress and to bring about peace. I cannot help saying that we non-congress people have been doing very little in the way of political progress of this country and it is on account of our slackness that the congress has got hold of the masses and on account of our readiness to fall always at the feet of the congress. Some of the speakers have declared that it is the congress alone that can make or mar the future of the country. I, on the contrary, say that it is not the congress but we who can make the future of India. So far as this resolution is concerned, it appears to me of a very simple nature, and I think that the Government ought to accept it.

Saiyid Ali Zaheer : After the speech of the Hon'ble the Finance Member on a resolution of such an innocuous character moved on behalf of the Nationalist Party one should have thought that there was not much left and that there should not have been any further discussion about it. But it appears that because the resolution is rather harmless therefore members have been able to put different view points in connection therewith and every one has looked upon the resolution in his own light. Sir, there has been some talk

about the war going on between the congress and the Government. One ought to pause for a minute and think what a war of this kind means. The first thing to be examined is whether the congress to-day in the country does not represent a vast section of the people. If it does, then I cannot understand how there can be a war between the people of a nation and the Government of that very nation of the same type or of the same kind as other wars between two nations. The whole question is that the Government is on the one hand desirous of carrying through a certain constitution for the country in a particular way, while, on the other hand, that method is not agreeable to a large section of the people of the country. The question arises how under these circumstances this difficulty is to be solved. The resolution says that there should be a meeting of the leaders of the various parties in the country. For what purpose? It says, "to find means for a settlement and to secure the co-operation of all the parties in the inauguration of the new constitution for India". If, on the one hand, the idea of the congress is that it must succeed and carry through its various objects by the methods that it has adopted so far, then I can say that there is a very vast section of the people in the country which is not in agreement with the congress. On the other hand, if the idea of the Government is that the congress must be crushed before any further constitution is to come in the country, I again say that that idea is also incorrect. The position is that the Government in this country—or in any other country for the matter of that—cannot go on for a very long time by means of Ordinances and if, on the other hand, the congress does represent a good majority of the people of this country, then in that case it cannot be ignored. The only solution which under these circumstances is possible is by means of a conference.

I just want to bring to the mind of the House the order of things in which this hopeless situation has arisen in the country. Honourable members will remember that Mahatmaji was in England when the no-rent campaign in these provinces as well as the so-called terrorist movement in Bengal was going on. The first Ordinance that was passed related to Bengal alone and was directed against the terrorist movement. That apparently had nothing to do with the congress, but even before Mahatmaji could land in India, the United Provinces leaders of the congress started their no-rent campaign. As soon as that was started, the United Provinces Ordinance was promulgated.

I think at that time Mahatmaji was either in Europe or on the sea. Before he landed in India Pandit Jawahar Lal and other leaders had been arrested in these provinces. There is no doubt that on the one hand the congress was in a hurry to start the no-rent campaign before they could consult their accredited leader, the Mahatma. On the other hand, Government was also in a hurry to stop that movement as early as possible. Everyone of us, and I can say that of most of the Indians, were looking forward to the landing of the Mahatmaji. We were expecting that as soon as he came he would exercise a moderating influence and would

Saiyid Ali Zaheer.]

have the no-rent campaign withdrawn and it would not be necessary to carry on the Government by means of Ordinances. Unfortunately he was denied this opportunity. I do not put blame on either side. Perhaps the congress were to blame for being in a hurry to start the movement without consulting their leader. Perhaps the Government might have waited till Mahatmaji had come and he had expressed an opinion as to whether he approved of that movement being started. All the same if a little prestige had been overlooked, if either side had been willing just for the moment to deliberate and think over the matter, I think this catastrophe would not have befallen. Now this resolution is intended just to remedy that mistake which originated in the very beginning. We only ask that the Governor General in Council should convene a meeting of the leaders of the various parties in the country in order to find means for a settlement and to secure the co-operation of all the parties in the inauguration of the new constitution for India. Just as the Hon'ble Finance Member has said that there is nothing harmful in this resolution. I think it is intended to trace back this mistake that has already occurred. If that is the intention of this resolution, nobody should be opposed to it. I therefore support the motion.

Khan Bahadur Hafiz Hidayat Husain: I move for closure, Sir.

Mr. Brijnandan Lal: Sir, I assure the Hon'ble the Finance Member that all that I want is peace and nothing but peace. If I can be of any use I am prepared to place my services at the feet of my countrymen. I am prepared to serve the Government in this matter. I will ask Sir Tej Bahadur Sapru and the leader of my party, Mr. Chintamani, to intervene in the matter. Sir, Mahatma Gandhi is a man of peace and I am sure he will agree to a reasonable proposal. I think if the Government agrees to this a way for settlement will be found. I also want that the United Provinces Government should take the role of peace-maker. In this Government we have men like Mr. Blunt and Sir Malcolm Hailey who took such an active part in the work of the Round Table Conference and if they exert themselves I am sure Lord Willingdon will find a way for settlement. If an effort is made to bring people together then it is likely that a settlement will be arrived at. There was a solitary discordant note by Khan Bahadur Maulvi Fasih-ud-din. I am not surprised. It is very seldom that I find him in agreement with any proposal that emanates from this side of the House.

The Hon'ble the Finance Member is prepared to accept the resolution, but the Khan Bahadur says that because the congress does not agree the House should think before it accepts the resolution. مدعی سست گویا چیست. Why on earth then does he bring so many resolutions in the Council himself. Does he not bring them in the hope that they will be accepted, or is he always sure that they will all be accepted? This is a laudable object and I am sure there is no harm in trying to achieve it. The Hon'ble the Finance Member asked what came first, the civil disobedience movement or the

Ordinances? With due respect to him I would say that the demand for self-government came first. The demand for a share in the Government came first and it was his countrymen like Hume and Cotton who organised the congress. When the people saw there was delay in granting their demands then one party was for direct action and the other for constitutional agitation. I myself do not agree with the people who advocate direct action, but the fact is that the demand for self-government began first. But I do not blame either side. I want peace and as I believe that the salvation of England and India lies in a peaceful solution. It pained me to hear some words from Shaikh Habib-ullah. He has supported the resolution and I am grateful for that, but he said some things which probably he should not have said.

With these words I will request the Council to support my resolution. There is no harm in attempting to bring about peace and there is a likelihood that both sides want peace and it will be achieved if right efforts are made.

The Hon'ble the Finance Member: I rather regret that the question of the interview which Mr. Gandhi did not have with the Viceroy has been imported into the discussion so freely. I feel that there is a certain misunderstanding involved in that matter; but especially I do not quite see how it affects this Government. I know it was used merely as an argument, but I cannot help regretting that it was. Matters at the time did look unpleasant. A no-rent campaign was actually in progress; and a resolution for civil disobedience was passed, I think before Mahatma Gandhi asked for an interview with His Excellency the Viceroy,—though I should hesitate to say how far he personally was responsible for it. We were therefore in the position of an army which is asked to accept a flag of truce from another army, whilst that other army goes on fighting.

Everybody knows that that is one of the things that are not done. The civil disobedience movement went on, the no-rent campaign went on; and though a request for an interview was made, neither of them stopped. If they had,—that would have been another matter. However, we are not importantly concerned with the incident.

The honourable the officiating leader of the opposition told us that we had taken to repression, and that what we wanted to do was to bring the congress to its knees. I have very little faith in repression, certainly not as a permanent measure. But what I am afraid of is that if we accede to the request on the lines on which it was made by some speakers we should find ourselves stopping repression, and then, after a recrudescence of the civil disobedience movement, having to start it afresh. That most emphatically we do not want to do. As for bringing the congress to its knees, Sir, I seem to remember that on a former occasion there was a pact, called the Irwin-Gandhi pact, which amounted to a declaration of peace for the time being. It is still possible for the congress to repeat its own former method.

The Hon'ble the Finance Member.]

Another point which he has raised is, that we have put in many new ordinances and that the conduct of our officers under those ordinances was not always unblemished. Well, Sir, I do not want to anticipate the discussion on another resolution, but it is quite likely that it will not be reached and so I would like to take this chance of saying a few words on that point. It is perfectly true that these ordinances have been put in, but as everybody knows, circumstances have necessitated that. At the same time, there are a number of districts in which none of them has been applied at all, and the use to which they have been put is extraordinarily small. As for the mistakes made by our officers, let the House remember the circumstances—crowds of silly boys and women, foolish enough to imagine that they can improve the political situation by lying in the gutters, by uttering vile abuse and revolutionary cries,—is it surprising that our district officers, being merely human, did occasionally make mistakes? What is surprising is not that there have been so many mistakes, but that there have been so few mistakes. I hope in all fairness the House will admit that.

There is one more point that I should like to make. All through the line of discussion has been that the Government should do this or should do that, and that it should stop repression. Always Government have to start. Why? Surely in these cases it is for the congress to make the first move. Why should the Government always start? It does not apply merely to this instance: in almost every situation the suggestion is made that the Government should start. Believe me that if this country is to go on . . .

Mr. Brijnandan Lal : Sir, I suggested that a third party should intervene.

The Hon'ble the Finance Member : I am coming to that, Sir. If this country is to get on, then people must cease looking to Government to make a start. Whether it is a case of a primary school or the question of a new constitution, always the Government must start. For heaven's sake, let some of the political parties start! Sir, Rai Rajeshwar Bali said that both the Government and congress have tied themselves into a knot. Possibly though it is not the same knot in each case. I am quite willing to do what I can to untie the Government knot. I am quite willing, considering the lines the discussion has taken, to promise that Government will do what it can in the way of bringing about peace. I can not promise what the result will be. We can only be a mediator, so to speak. Apart from that I am not as sure that the congress will meet any overtures half way as some members seem to think, still what we can do will be done. As for the suggestion advanced by the liberal leaders, well, all I can say to that is "God bless them and speed their endeavours." I sum the position up thus, Sir. Last December the Opposition co-operated with Government in passing an Ordinance. Government will now co-operate with the Opposition in trying to create a situation in which it will be possible to repeal that Ordinance.

RESOLUTION *re* THE CO-OPERATION OF ALL PARTIES IN THE 253
INAUGURATION OF A NEW CONSTITUTION FOR INDIA.

The Hon'ble the President : The question is that this Council recommends to the Government to communicate their request to the Governor-General in Council to convene a meeting of the leaders of the various parties in the country in order to find means for a settlement and to secure the co-operation of all the parties in the inauguration of the new constitution for India.

The question was put and agreed to.

RESULT OF ELECTIONS TO THE SELECT COMMITTEE ON
THE UNITED PROVINCES MUNICIPALITIES ACT (AMEND-
MENT) BILL.

The Hon'ble the President : I had better announce the result of elections held to the Select Committee of the United Provinces Municipalities Act (Amendment) Bill.

Lal Sheo Pratap Singh,
Rai Bahadur Babu Vikramajit Singh,
Khan Bahadur Hafiz Hidayat Husain,
Khan Bahadur Maulvi Muhammad Fazlur Rahman Khan,
Rai Rajeshwar Bali,
Shaikh Muhammad Habib-ullah,
Mr. Shakirdad Khan,
Thakur Rampal Singh,
Babu Ram Bahadur Saksena, and
Mr. Ali Zaheer,
have been elected.

RESOLUTION *RE* THE PROMULGATION OF ORDINANCES
AND CLASSIFICATION OF POLITICAL PRISONERS.

Rai Bahadur Thakur Hanuman Singh : I beg to move that this Council recommends to Government that in these provinces the policy of coercion should be replaced by a policy of conciliation at the earliest date and to the largest possible extent, and to achieve this object instructions, amongst others, may be issued as follows :

- (a) To enjoin upon the executive and police officers the necessity of observing the greatest moderation and restraint in the administration of the several Ordinances in force in these provinces, in the promulgation of orders under section 144 of the Criminal Procedure Code and in the dispersal of prohibited processions and meetings.
- (b) To direct that persons convicted of non-violent political offences and sentenced to imprisonment are, as a rule, treated as "A" class prisoners, and for special reasons to be recorded and published, as "B" class, but never as "C" class, and that most particularly ladies convicted of such offences are shown the utmost consideration.

Rai Bahadur Thakur Hanuman Singh.]

When the no-rent Ordinance was issued, the Leader of the Nationalist party moved a resolution to request that it should be used with the utmost discretion and leniency. In reply the Hon'ble the Finance Member assured the House that the policy of the Government in this matter would be not to exceed the needs of the situation. In view of this promise it was thought that the excesses which are being committed now every day would not be so committed. Nobody who does not belong to the Congress believes in the no-rent campaign or in civil disobedience. The no-rent campaign and the civil disobedience movement are as bad as the policy of repression by the Government. Owing to the actions under the Ordinances even the law-abiding people are not quite certain of their safety. They always think in their minds that for some reason or other the suspicion of the executive may fall upon them and they may be brought to trouble. To leave the people of the country in such a state of mind does not seem to be at all desirable. Sir, with your permission, I may point out that the rule by Ordinances cannot go on for any great length of time. There should be a limit to everything. The Government has shown its strength, its power to the people, which was not unknown to them. It is high time that the Government should relax the rigour of the Ordinances by taking such action as may convince the people that the Government is taking a lenient view of the situation and is amenable to do things which are right and which are intended to give peace to the country. If the Ordinances will remain in force for long, I have to tell the Government that even those who are not of the Congress way of thinking may not be ready to co-operate with it. Here I wish to say that blood is thicker than water. Our countrymen are not treated as political prisoners but as ordinary criminals sentenced on account of their commission of certain offences under the Penal Code. This aspect of the actions under the Ordinances is creating resentment in the minds of those who are of moderate views and whose intention is that the earlier the peace is brought about the better. Here, Sir, I may refer this honourable House to the speeches made in the Legislative Assembly on the resolution of Sir Hari Singh Gour. Sir Abdur Rahim's speech is noteworthy

The Hon'ble the President : May I say that it is not generally advisable to refer to debates of different Houses because the speakers are not here and we are not aware of the circumstances. I do not, of course, prohibit it, but merely say that it is not generally advisable.

Rai Bahadur Thakur Hanuman Singh : What I wanted to say is that it is not only the United Provinces where the rigours of the Ordinances are being felt but it is all over India.

The Hon'ble the President : That the honourable member can say without referring to the debates of other Houses.

Rai Bahadur Thakur Hanuman Singh : Political associations, like the all-India Liberal Federation and the Liberal Association of Bombay, have passed a resolution requesting the Government to modify, and where practicable to withdraw the ordinances with a view to bring

about peaceful conditions in the country. But up till now the Government has shown no sign of moving in the direction in which the country desires. As a proof that the Ordinances are being used to coerce the people I would mention certain incidents which have occurred in this province. There have been firings in at least 14 districts where several persons were injured and killed. Does the Government think that by killing a number of persons on such occasions it will be able to infuse fear in the minds of those who are determined to fight at any cost and at any sacrifice? I think the Government will not reap the fruit which it thinks it will. The more the coercion the more determined the efforts of the people to resist the actions of the Government. Then in 23 districts orders under section 144 have been issued and for the breaking of these orders hundreds of persons have been sent to jail. I am not standing here to say that those who break legal orders ought to be spared. What I mean to say is this, that the use of section 144 should be made sparingly, so that there will be no chance of arresting a very large number of persons and sentencing them to rigorous imprisonment and to be dealt with by the jailors as they may like. Sir, sometimes the district magistrates issue orders which it becomes very hard to comply with. The District Magistrate of Allahabad issued an order to a certain man that he should not allow the Congress men to stay in his house to carry on the Congress propaganda. So far, Sir, the order was all right. But the same order enjoined on him that he should not permit any guest of his to stay in his house until he received a permission from the Station Officer of that station. Can any body who has relations, who has friends, who have nothing to do with the Congress activities, comply with this order? Supposing a friend or a relation reaches his house late in the night, is he to run to the Police Officer to take his permission and then permit his guest or relation to remain in his house and take his food? It is very hard. Sir, in Saharanpur two volunteers were arrested. Their faces were blackened with coal-tar or with some other substance, they were made to walk on the streets of the city followed by a posse of constables. Was it under any law? Was it under any Ordinance? This was published in newspapers but has never been denied by the Government, and I do not know whether the Government has taken any action against the officer who was guilty of this malpractice which may be a serious offence under the Penal Code. Then, Sir, in Rae Bareilly a number of volunteers were arrested. They were brought to the kotwali and beaten there. Half the head of one of them was shaved and one side of the moustaches, and then he was released. That fellow remained in that condition for about three or four days walking on the roads of the city to show to the people that the police treatment was so harsh, was so undesirable, was so reprehensible. May I know whether such action on the part of the Police executive with the connivance of higher executive can be considered to have a salutary effect on the minds of the citizens? Can it enhance the prestige of the British Government and give confidence to the people?

The Hon'ble the Finance Member : May I ask what proof the honourable member has got in making these slanderous accusations?

Rai Bahadur Thakur Hanuman Singh : Newspaper reports.

The Hon'ble the Finance Member : Does the honourable member believe everything that appears in papers ?

Rai Bahadur Thakur Hanuman Singh : I base my information on the reports that appeared in the *Leader* and the *Pathik* and were not contradicted by the Government. I am not stating these from my imagination.

Rai Rajeshwar Bali : Have they ever been contradicted by the Government ?

The Hon'ble the Finance Member : Probably not.

Rai Bahadur Thakur Hanuman Singh : Then, Sir, merchants are run in and punished for not opening their shops on hartal days. Is there any law that every shopkeeper should open his shop on certain occasions ? Opening or closing of a shop rests with the wish of the shopkeeper. There is another complaint of the merchants and it is that their shops are raided, their account books are inspected and sometimes they are taken away. This complaint exists in Cawnpore and also beyond the limits of this province.

The Hon'ble the President : I think it will be better if the honourable member continues after lunch.

At this stage the Council was adjourned for lunch at 1-30 p.m.

After recess the House re-assembled at 2-15 p.m. with the Deputy President in the Chair.

Rai Bahadur Thakur Hanuman Singh : Sir, I was bringing to the notice of the House certain instances of malpractices and hardships committed by the executive on the people, and prisoners in particular. While I was speaking, the Hon'ble the Finance Member took objection and considered that the observations I was making were slanderous. If he deems them slanderous he should stop them. No Government should be proud if it allows the commission of slanderous deeds knowing them to be so. I wish he had asked his Publicity department to bring such malpractices to his notice. When there is a Publicity Bureau, there appears to be no reason why the misdeeds of subordinate officers in the district should not be brought to the notice of the Government when they appear in the press. However, Sir, the object of my speech which I made a few minutes before was of drawing the attention of the Government to the fact that the executive in the district were not carrying out the provisions of the Ordinances in the manner in which the Government desired them to do, and now without giving many instances of a similar type I would confine myself to mentioning only one more and then take up other points. In the Allahabad District Jail, according to newspapers, there is accommodation only for about 900 prisoners, but the number of prisoners there has gone up to about 1,200. In order to provide room for all these people the jail authorities have pitched up tents in the compound of the jail and all the "C" class prisoners are housed there for the night. What do the jail authorities do ? They make the "C" class prisoners sleep in the tents on the ground. In this cold weather sleeping on the ground in a tent is, I think, very very uncomfortable. It

is not only this. The prisoners are made to have one iron ring in one leg and through that iron ring a chain is passed.—Several prisoners are thus grouped together and on each side of the row of the prisoners pegs are pitched to which this chain is fastened. When there are two groups, the feet of one group and the feet of the other group are in opposite directions. These prisoners are supplied with cups which they keep by their side, and whenever they want to relieve themselves, they relieve in those cups. May I know, Sir, whether this is human treatment or inhuman treatment? It is for the Government to decide whether human beings should be treated like this when they are not habitual criminals, when they have committed no heinous offences but only a political offence. Political prisoners in other countries are treated much better than our countrymen are treated under these Ordinances. Such news are published in the papers but I am not in a position to say whether the Government pays any attention in order to remedy the evil or it does not. But when these things are published, the people read them and form their own opinion about the regard of the Government towards the people of the country. This, to my mind, is very injurious to the prestige of the Government which claims the reputation of being benign and just. When the people come to know that the Government under which it is their lot to live is not regardful of their self-respect, the Government loses its prestige and reputation.

It is not the first time that on the floor of this House the advisability of *lathi* charges in dispersing crowds whether lawful or not, has been discussed. Those who are members of unlawful assemblies may in accordance with the Criminal Procedure Code be dispersed by force, but even the sightseers, even those who owing to curiosity happen to be on the spot are treated as members of unlawful assembly. My point is that this indiscrimination should be avoided and the officers on the spot should be enjoined to differentiate between those who might disobey their orders and those who on account of curiosity may happen to be near those who are not obeying the orders given by them. Even ladies and children are not immune from these *lathi* charges and some of them receive serious injuries. *Lathi* charges are not light. *Lathis* are used with force which make the sufferer to remain in bed for some days and even longer.!

Sir, now I come to the classification of prisoners; the classification is not made on consideration of the position or status in life of the persons sentenced, but these classifications are made according to the whims and caprices of the magistrate trying the case or the district magistrates. Many persons who could have been classified as "A" class prisoners have been classified as "B" class or "C" class prisoners.

Ladies are awarded rigorous imprisonment. I would point out here, Sir, a few instances for the information of Government, if it does not know, them that Mrs. Uma Nehru and Parbati Devi, Parshottam Das Tandon and Krishna Kant Malaviya have been given "B" class. Parshottam Das Tandon and Krishna Kant Malaviya, during the last civil disobedience movement, were given "A" class. Has their status

Rai Bahadur Thakur Hanuman Singh.]

gone down since then? Mrs. Uma Nehru is a lady well known, not only throughout this province but outside this province. She enjoys the greatest respect of the citizens of this province as well as of other provinces. Was it just and reasonable to give her "B" class? Then, Sir, in today's *Leader* I find that Ram Rattan Gupta of Cawnpore, a premier and peaceful merchant, zamindar, ex-municipal commissioner, a member of the United Provinces Chamber of Commerce, has been sentenced to one year's rigorous imprisonment and a fine of Rs. 500 and has been classed as "C" class prisoner. Is this justice that a man who is holding such a responsible position in the public should be considered to be a fit man to be classified as "C" class prisoner? Another merchant, Gobardhan Khanna, is also a man of good status and is a resident of Cawnpore city. He too has been sentenced to one year's rigorous imprisonment and classified as "C" class prisoner, Sir, I may, with your permission, say that repression will not bring about peaceful conditions in the province. It is a change in the attitude and policy of the Government which can achieve this end.

An hour or so ago the Hon'ble the Finance Member, speaking on the floor of the House, said that it should be the intention of the Congress people to open negotiations and to take steps to restore peaceful conditions and that it should not be the policy of the Government. Well, Sir, the Government is a Government which has got the largest part of the world under its sway. It should not be afraid of losing its prestige by acceding to the wishes of the people. With your permission, Sir, I may quote a Hindi verse—

साशन करि पुनि करहि पसाऊ । नाथ बड़ेन कर सहज सुमाऊ ॥

Those Governments which do not rule on the principle contained in the words which I have just cited have to face difficulties in carrying on the administration of the territories under them. Sir, in these days, small incidents have a very great and pernicious effect on the minds of the Indian public. Sir Samuel Hoare, on a certain occasion, said in connection with India that "the dogs continued to bark but the caravan go their way". Much objection has been taken to that proverb and the people of India have taken it to heart. If that is to be the policy of our Government, then this country should lose all hope for better treatment and regard for its national prestige. The Government is trying to form associations and committees in the interior of the districts with a view to carry on propaganda to restore peace. In these days, Sir, anything done at the suggestion of the Government is not respected even by the villagers, what to say of those who know something of politics, who know something about the conditions prevailing in the country.

These associations and committees will give no satisfactory result. Remedy is only in the hands of the Government and not in the hands of the people which can give relief and which can restore tranquil situation. Remove the root cause and peace will be restored. Try to give India swaraj as soon as may be possible. Without swaraj

no amount of coercion or repression, no amount of show of power, will bring peace to the minds of the people. A resolution was tabled in the name of my honourable friend Rao Krishna Pal Singh, but for some reason or other it was not moved today. That resolution was to the effect that the Government should take steps to transfer as many subjects as could be transferred under the present Government of India Act to the people. If action be taken by the Government in that direction in right earnest and if those powers be transferred to the people I think, Sir, that it would have a very great effect in bringing peace to the country not only in this province but in other provinces also, because that will be evidence that the Government is really desirous to part with the powers which it possesses in favour of popular Government. Will it be too much for the Government to take speedy and earnest steps in this direction? When it fully knows that in all departments provincial autonomy will be given to the people, why should it not give it a year or so earlier? With these few remarks, Sir, I bring my speech to a close.

Rai Bahadur Babu Awadh Behari Lal: I beg to move that for part (b) of the resolution moved by Rai Bahadur Thakur Hanuman Singh, the following be substituted:—

“(b) To direct that persons convicted of non-violent political offences and sentenced to imprisonment shall be classified according to their social, educational and financial status by a civil judicial officer of the district before whom full particulars shall be placed within a week of the conviction and who shall also take into consideration any representation made on behalf of the prisoner: provided that no lady convicted of such offences shall be placed in ‘C’ class.”

The object of my amendment is to regulate the classification of a convict according to his status, and not according to his crime. It has been seen that the trying magistrate very often places a convict in “C” class without any regard whatever to his status. Instances can be given of persons of high society and of high educational qualifications who have been placed in “C” class by the trying magistrate in his zeal for the maintenance of what is called peace and order in the town. Yesterday when I went to Cawnpore I saw a hartal in the bazar because one of the wealthiest merchants of the city had been placed in “C” class. This man had been convicted by the magistrate for the disobedience of an order to leave the town issued by the local authorities. Now, this man, Ram Ratan Gupta, belongs to a firm, which may be called “Lakhpati” and has got about seven or eight piece-goods shops. No man would have placed such a person in class “C,” but there it is. No regard whatever was paid to his status in life. If I understand aright, the classification of convicts into “A,” “B” and “C” classes has no relation whatever to the nature of the crime of which they are found guilty, but to their status in life. For instance, there is a special class for Europeans simply because I believe they are used to a certain mode of living and they could not be classed with others in “C” class. The same, Sir, in my humble opinion,

Rai Bahadur Babu Awadh Behari Lal.] applies to Indians. Those who come of a rich family are no doubt accustomed to a certain mode of living and to a kind of food which is different from what a coolie or a villager or a rustic is used to. I do not mean to suggest that nobody should be put in "C" class. I know that there are a good many men convicted in the civil disobedience movement who are of a low status. I do not for a moment request that a coolie or a villager or a rustic, with an income of Rs. 5 a month, should be put also in class "A" or "B." I submit that the classification of convicts should be according to their status in life. Their social status, their financial status and their educational qualifications should all be taken into consideration at the time of classification. I can give another example too of a person where injustice has been done in the matter of classification. One Narayan Prasad Arora, an ex-M. L. C. and a graduate, has been placed too in "C" class. I submit, Sir, that the classification so far has been done promiscuously by magistrates. This is due to the fact that magistrates find it impossible to divest themselves of the zeal which they have in the name of law and order. And this incidentally makes us clamour for the separation of executive and judicial functions. I submit that a judicial officer should be brought in at this stage of classification. It is he who can bring to bear an independent judgement on the matter. I submit that this safeguard is necessary, as during the transitional period crimes of a political nature, not violent crimes, are bound to be committed by people in their zeal for service to the mother country.

My proposal, therefore, is that for the determination of the classification only after the conviction the papers should be laid before a judicial officer of the district who would merely classify the accused according to his social, educational and financial qualifications and who would see whether a particular person should be classed as "A", "B" or "C". He should also see to any representation made on behalf of the prisoner. Ladies, I would urge, should never be put in "C" class, because it is not every coolie or low class lady who is joining this movement. It is an awakening among the ladies, which is a sign that the desire for swaraj has reached the homes and even ladies are affected. If in their zeal for the liberation of the country they join the movement, they should not be degraded by being placed in "C" class and be made to take a coarser diet than they are accustomed to in their homes. As long as this struggle for swaraj is banned, they have to suffer for the love of the country, and the country is prepared to suffer. This much for the amendment. I now wish to say a few words about the general resolution, that is about part (a).

It is an unfortunate combination of circumstances which has led to the issue of these Ordinances. In the matter of the Ordinance about counteracting the no-rent campaign an assurance was given in this House that it will be used only to the extent necessary for counteracting the no-rent campaign ; and I think generally it has been carried out in that spirit. Speaking only of Cawnpore, I can say that from rural area very few complaints of excesses in the administration of that particular Ordinance have been heard, and it is also creditable that the withholding of rents as a piece of civil disobedience for

political purposes has practically ceased in that district. The other Ordinances, however, which are directed against the suppression of civil disobedience movement and of the Congress activities generally and of the name and the aims of Congress are, I think, more harshly administered than the necessity demands. As the Hon'ble the Finance Member himself admitted, we are all Swarajists. The whole country—men, women and children—are determined to gain Swaraj. Even those who do not understand what Swaraj would mean are determined to attain it by any means that is possible.

(*An honourable member* :—Are you determined ?).

Most certainly. The Congress was one organised institution which occupies the first place in the scheme. But they adopted methods with which the whole country is not unanimous. I think the Government's estimate is perfectly correct that in the matter of the methods adopted the Congress is in a minority and the majority of the people are more peace-loving and not determined to break the laws or to offer their heads to be broken.

In Cawnpore which is a mercantile centre most of the traders and merchants are not at one with the Congress in their methods. They do not want to break the peace and wish to carry on their business in the most peaceful manner possible ; but they also nonetheless are determined to attain Swaraj. What these Ordinances have brought about is that they cannot associate ; they cannot discuss ; they cannot express their demands. I think that that is a condition which the Government do not mean to bring about but which is the necessary result of the repressive measures and the way in which they are carried out. In a well-attended meeting of the businessmen His Excellency the Governor assured them that all these measures are for giving protection to them so that they might carry on their business unmolested. But the question is whether that protection has really been offered to the businessmen. Fifteen businessmen were arrested for closing their shops. Some were convicted and some were released after they had tendered apologies, but none released altogether. They were made to execute *muchalka* bonds not to close their shops on *hartal* days. I think that it is the curtailment of liberty which is quite undeserved and which the businessmen of Cawnpore have resented. So that instead of feeling that their trade and their business have been protected they feel that they are between the agitators on the one side and the Government on the other. If they open their markets they are afraid of the ridicule of the people and of their taunts and other things ; and if they close them they are treated as participating in the Congress movement. I think being a Congressman or having the ideals of the Congress should not be treated as an offence and there ought to be a distinction in administering these ordinances as to who are the people whom we are giving protection and who are the people against whom protection is awarded. I think that in carrying out the Ordinances that distinction has not been kept in view and peaceful businessmen have also suffered and there

Rai Bahadur Babu Awadh Behari Lal.]

is no protection to businessmen. I may mention here that several persons have closed their shops on account of this difficulty. They have not shut up their shops for a day or two days or five days, but they have taken away their goods and kept them in their homes or went away elsewhere to their homes. My friend, Rai Bahadur Babu Vikramajit Singh, myself and some other friends tried to bring the businessmen of Cawnpore together to form an association for an expression of their opinions in the political field and also in all matters affecting their business. But the response was very poor because people are afraid that if they join any association and in that association express their demands for advancement towards Swaraj or for political liberties they would be considered as Congressmen and they would be treated like them. So that this repression has not in actual effect suppressed the Congress, but suppressed the aspirations and the ambitions and the activities of peaceful citizens also. I would, therefore, support the proposition that these Ordinances should be worked with the greatest moderation and with the greatest discrimination and that these exceptional measures should not be continued any longer than absolutely necessary. If these are directed merely for putting down disturbances and disorder it would not affect peaceful men, but such is not always the case. I think this repression has affected the peaceful trade more than picketing and more than the civil disobedience.

Thakur Giriraj Singh : I have come to this place to support the motion moved by Rai Bahadur Thakur Hanuman Singh for the following reasons. I have not come to this place to say whether the ordinances passed were proper or improper but to say to the House that its application should not be in such a way as it has been applied in some of the districts. The motive of the Government may be good but we have to see to its application only. In seeing the application of the Ordinances we have to quote instances and nothing else. These Ordinances were passed simply to give condign punishment to the Congress people. These Congress people are not the ordinary thieves or dacoits or murderers, but simply those who are crying for the complete independence of India. I think, Sir, there is no one amongst us who does not want complete independence. There may be some who are of opinion that at present provincial autonomy may be given and a time may come again when we may be in a position to be completely independent. From this one cannot but arrive at the conclusion that every one whether here or outside wants Swaraj in one form or another. Now here the present war is between the Congress and the British Government. To me the relation between the Government and the people is exactly like the relation between father and children.

No father can subdue or conquer his child. If the Government is of opinion that as in the case of children it is generally said that to spare the rod is to spoil the child, but, Sir, logically it is not so in all cases. It may be a particular proposition, but it is not a general

one : because, Sir, in all the sacred books, it is written whether it is Christian or Muhammadan or Hindu, that love begets love and hatred hatred. Instances can be quoted where if you really want to make a boy good, then it would be better not to punish him at all ; because I remember, Sir, when I was a teacher in one school 15 or 16 years ago, there was a teachers' conference in Gorakhpur in which I too attended and all the teachers passed a resolution that school boys should not be punished at all, and in certain criminal cases the boys who are found guilty are not punished, but they are sent to some reformatory school say Chunar or somewhere, so that they might be improved. Sir, I am quite sure that if the Congress people or at least those who are taking part in civil disobedience and for whom these Ordinances are meant are not right, then these Ordinances will prove effective no doubt. But, Sir, as far as I think the present war is a war just like—as I have just mentioned—the war between father and son. Take the case of war between Hirnakashshap and his son Prahlad, and I want to show before the House who succeeded in the end—Hirnakashshap or his son Prahlad. Perhaps history has got proof that the son succeeded and not the father. I cannot say in this respect who will succeed or who will fail, but the son always succeeded. If a boy who does not understand a thing thoroughly is bent upon taking it from his father, that is, the British Government, then he will succeed in the end. Sir, in the world there are three classes of people. One class is that which does not begin trying for fear that their object will not be accomplished at all. That is the worst class of mankind. Another class is that which begins a thing and when they fail or a particular individual who belongs to that class fails, it or he gives it up. There is another class who goes on doing a thing, if it fails thrice or four times, but still goes on trying and succeeds in the end. Take the case of Robert Bruce, which all of us must have read in school books.

Sir, as regards the application of these Ordinances, I may quote two or three instances. I will not name the district in which these occurrences took place, but if any one is particularly anxious to know, I may tell him. Sir, about a month ago there were some volunteers who were picketing cloth shops. Two of them were arrested. At that time fortunately or unfortunately the officer in charge of the police station was away on leave and his subordinate was in charge. These volunteers, who were picketing, were beaten very badly, rather black and blue. As far as I have been informed they were beaten in their private parts, also one of them fell senseless. Both of them went to the hospital. The Assistant Surgeon was present and he refused to take them in the hospital, though I will admit, Sir, that he gave some medicine. No doubt it may be due to the fact that he thought if this thing is brought to the notice of the District Magistrate, he might take it ill or, he might have thought that he would be in the good books of the Government if he did not give even medicine to these congress volunteers who were severely beaten. What were the consequences ? One of them was

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sent to the jail, another was so severely wounded that he was not sent at all.

Next day he again went to picket a cloth shop which was situated in the city. So when the police constable went to arrest him, that volunteer who had himself tied to a pillar by the rope said to the shopkeeper. "Now, here I am going to the jail not for me but for you. Because I am picketing your shop, you are sending me to jail. Yesterday two of us, who were taken to jail, were beaten badly in private parts. So if you want really that I should be beaten badly in private parts, you may do whatever you like, otherwise close your shop." The result was that that shopkeeper was ready to close the shop and said: "If you are telling the truth, I am not a man of that type who will open the shop to get you punished." The result was that this shopkeeper closed the shop for a week. After that the police authorities and the Deputy Collector who was in charge of the city went to the shopkeeper and asked him to open the shop, and the shop was opened again. When the police officer who was on leave came back and heard of all these incidents, he was very sorry. These volunteers should be arrested calmly without any resort to force, because they are not thieves and dacoits.

The Hon'ble the Home Member: This merciful man also belonged to the Police department.

Thakur Giriraj Singh: He was a police man. He told his subordinates that they did not act properly. The thing was that the Superintendent of Police in that district was of one opinion and the District Magistrate was of another opinion and it is why such things happened. Had it not been the case, such things would have never happened. Other similar instances can be quoted, but the main fact is clear that really its application is not properly done in most of the places. Who does not know here that even the old venerable lady—wife of Mahatma Gandhi—has been sent to jail. If I remember aright, I read in a paper, when she was arrested, she wept. I do not know whether those tears were the tears of Queen Boadicea or the tears of an ordinary lady. I also know that even husbands and wives are not allowed to remain together in jail. I think there is no harm, if both who are political prisoners are allowed to live together in jail. I am not a Congressman but I am really stating facts before the House that these Ordinances are being enforced in such a way that if we look to the thing very deeply we are sure to be moved to tears. These facts are not brought properly to the notice of higher authorities, and if they are brought at all they are not cared. The real motive of the honourable mover is simply this that these Ordinances should be administered moderately and with restraint. In most of the districts these Ordinances are not enforced with moderation and restraint. I am sure every member of the Council will agree with me that moderation and restraint are quite necessary.

Sir, as regards the classification of these political prisoners, I may say a few words. Even those prisoners who were classed as "A" on former occasions are classed "C" this time. If the civil disobedience movement is again started by the Congress after two or three years these very people might be given some still lower class—fourth or fifth class. I remember a case. There were two vakils who were given "A" class for the first time. One of them belonged to my own district. This time when they were arrested both of them have been given rigorous imprisonment and put in "C" class as far as I know. One of them is so weak constitutionally that if you see him you cannot believe that he can deliver a speech which will incite the people addressed by him. In fact he was ill and confined to bed for a number of months, but he has now been sentenced and sent to jail. When he was taken from his district to another district he was in fetters and chains. So far as real Congressmen are concerned if you ask any of them to appear on a certain day before a magistrate, he will himself do so and no police constable will be required to conduct him and certainly he does not require to be taken in fetters and chains.

There was a friend of mine who was a Mukhtar. At first he was placed in class "C", but the trying magistrate wanted to put him in class "B" and asked him whether he was a Mukhtar and what was his income, but he did not take any part in the proceedings. The magistrate, however, knew him personally and awarded him "B" class. When he was transferred from his district to another district where he was to be confined, he was sent in fetters. He was sent to Partabgarh. When I went to see him I asked him how he was and he told me that he was all right, but he also told me that he wept when fetters were put on him. He said that he was under the impression that because he was fighting for the independence of his country there would be no necessity to put him under chains and fetters like ordinary criminals and that if he had been asked by the jail authorities or anybody else to go to such and such a place he would have gladly done so. Sir, I know of many such cases, but this is not the proper time to discuss them. I shall reserve them for the budget debate. But I may mention that some of the political prisoners were not given even salt in place of third class pulse and vegetable which are generally allowed in jails. One word more and I shall finish my speech. The fact that ladies have also been sent to jail this time is not unknown to any of us here. It is a new thing in this country that these parda-ridden ladies have taken part in the civil disobedience movement and I cannot help saying that the status of some of these ladies is much higher than that of officials of any department, who arrest them, try them, send them to jail and keep them in their custody, and therefore it absolutely necessary that proper care and attention should be given to their comfort. They are called the better-halves—not ordinary halves and we all have the highest regard for them. Sir, in European countries if you slap a woman, the result will be that all whatever caste or creed they may belong, will be annoyed.

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unfortunately in this country so many women are being beaten and sent to jail but not a single voice has been raised on their behalf. Some of us here say that while they agree with the principle of the Congress, they do not believe in direct action and going to jail. In fact they want that every thing should come to their mouth as sweets come, but they forget that nothing will come to them in that manner. In western districts where water is found very deep, it is more sweet, while in Gorakhpur or other eastern districts where it is not so deep, it is not so good for digestion. It has not got digestive power. Now, Sir, I whole-heartedly support the resolution moved by my honourable friend Rai Bahadur Thakur Hanuman Singh and I hope that every one of us will support it whole-heartedly.

Captain Nawab Muhammad Jamshed Ali Khan: I endorse the remarks made by the honourable mover himself that the real remedy for these complaints is that sooner the reserved departments are transferred to popular control, the better. Specially in these days when the movement subversive of law and order has developed in this country it is better that the reserved departments should be transferred to popular control so that the public may understand and appreciate the value of law and order. It has been suggested that the policy of conciliation should be adopted. I quite agree with it; I am never against that policy, but the question is, what response will be received from the public? The other day Lord Irwin followed the policy of conciliation. What was the response? Is it not a fact that the no-rent campaign had begun to develop? What course was then left for the Government to take? The only course left for the Government was to take drastic measures and drastic action. Of course I expect the Government to come forward with the assurance that they will be very careful and will not go to an unnecessary limit otherwise their case will be quite undefendable.

Now in the second part of the resolution the honourable mover has suggested that all the prisoners should be put either in "A" or "B" class. It means that the differentiation should be on the motive of the offender. I quite remember that the other day on the floor of this House at the time of the discussions in connection with the Jails Committee we agreed and decided this principle that differentiation should be on the social status of the offender and not on the motive of the offender. If now we accept that the differentiation should be on the motive of the offender, there will be no end to the trouble. Any murder or heinous crime can be committed and the offender can come forward with the plea that his motive was quite good. I do not think it is possible. In my opinion this resolution would hardly serve any purpose. Taking all these things into consideration I don't see my way to support the resolution as it stands.

Sayid Ali Zaheer: I beg to move the following amendment to the amendment which has been proposed by Rai Bahadur Babu.

Awadh Bihar Lal. My amendment is that the word "civil" be omitted from line 4 and that after the words "judicial officer of the district" the following words be added:—

"not below the rank of an Assistant Sessions Judge".

The Deputy President: Is there any objection to this amendment being moved?

Several Voices: None.

The Deputy President: It may be moved.

Saiyid Ali Zaheer: Sir, my object in moving this amendment is very simple. The idea is that it is not possible for civil officers to know anything either about the jail discipline or the actual conditions in which the prisoners are kept. It is generally the Sessions Judge or the Assistant Sessions Judge who is in charge of criminal work and my idea is that it will be possible for him in a more satisfactory way to classify prisoners who are placed before him as this amendment contemplates. Therefore I suggest that the word "civil" should be omitted and that the matter should be left for the Assistant Sessions Judge, at least to decide. This work of classification is not onerous. It will take only probably a few minutes for him to make up his mind as to which class a prisoner should be allotted. In a matter like this the District Magistrate or the person by whom these prisoners are convicted are not naturally the persons to whom such a matter can be entrusted. It is expected that when this matter is given to the Sessions Judge or the Assistant Sessions Judge, he will decide it impartially and he will not be influenced by other extraneous considerations, for instance, political and other similar matters. Therefore I suggest that this matter should be left at least to the Assistant Sessions Judge. As far as the main resolution is concerned, I do not think it is necessary for me to say anything more after the two or three speeches that have already been made by the honourable mover, the honourable member who moved the amendment, I mean Rai Bahadur Babu Awadh Behari Lal and the honourable member who followed him. I think they have said all that could be said and I do not think I should take the time of the House in discussing it further.

Thakur Muneshwar Bakhsh Singh: Sir, I give my whole-hearted support to the resolution moved by Rai Bahadur Thakur Hanuman Singh as amended by Rai Bahadur Babu Awadh Bihari Lal and further amended by Saiyid Ali Zaheer. Sir, this resolution aims at converting the wildest form of the repression into a mild form and it goes no further. It does not imply that the Ordinances should be withdrawn, so we ought not to consider the merits of that question. We are simply at this moment thinking whether this recommendation or instructions like this are necessary at the present moment or not. Sir, from the experience of the working of the Ordinances it appears certainly that they are being carried on in the wildest form and if they are used with restraint, then certainly there will be not so much loss of life and not so much torture.

(At this stage the Hon'ble the President took the Chair at 3.32 p.m.)

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Sir, in this connexion I may refer to one instance of my district, that is the Hardoi district. That unhappy incident occurred at Samaria.

Sir, there was a cattle fair at Samaria and during the cattle fair on the 26th of January 12 arrests were made by the police. And then the people, as it is generally the case with mobs, they gathered round. The police apprehended some danger which was based on previous informations, so they were much frightened and became nervous at that time and were hasty in their action. They resorted to firing. Several lives were lost. I do not know the exact number but as the report shows there were four deaths. Three died on the spot and the fourth afterwards. And more than 40 persons were injured who have been arrested. Well Sir, if the Ordinances or section 144, C P. C., had been applied with restraint then certainly such things would never have happened and so I think it is necessary that with moderation and restraint these sections should be applied. As to the second part of the resolution, that is part (b), I have to say that these political persons are arrested simply because they disobey the law and for that they are punished. But at the same time they should not be put to torture. My point is this that those persons who have been leading a very high mode of life or who have very good social status they should not be treated as "C" class prisoners. That is a torture rather. At the same time due regard of their health be also taken into account. I may here quote one or two instances of persons whom I found in the Hardoi jail. There is one Shibani Lal. He is a Master of Arts and Science and he was a professor in the St. Andrews College, Gorakhpur. He has been placed as "C" class. Well I could ask this House whether it is justified to put such an educated person in "C" class. And there is another case of Shamlay Bihari. His father was an honorary magistrate. His father is still honorary munsif and is a landlord. He has therefore a good social status. He is badly suffering from eczema. And that poor fellow in such a bad state of health who has received education up to the Intermediate class has been placed in class "C". That matter was represented to the Hon'ble Home Member but I do not know what happened in that case.

The Hon'ble the Home Member: Inquiries are being made—no reply has yet been received.

Thakur Muneshwar Bakhsh Singh: Such are Sir, the hardships under which people are being put when they are arrested and they get punishment. I therefore whole-heartedly support this resolution of Rai Bahadur Thakur Hanuman Singh as amended.

Hafiz Muhammad Ibrahim: The resolution moved by Rai Bahadur Thakur Hanuman Singh has been amended by Rai Bahadur Babu Awadh Behari Lal and has been further amended by Mr. Ali Zaheer. I support the resolution as amended by both these gentlemen. The first part of the resolution asks the Government to replace their present repressive policy by a policy of

conciliation. As to that part, I submit that we have already discussed the evil of repression and have spoken much on the necessity of conciliation. Therefore, I think this part of the resolution does not call for any further comment. Now I feel interested in that part of the resolution which relates to the treatment meted out in our jails to the prisoners who are sent there for disobedience of the laws promulgated by ordinances. Before coming to particular instances and before putting forward before the Council my knowledge of the way in which the provisions of the ordinances and other similar Acts promulgated in connection with the civil disobedience movement are being administered, I submit that the prisoners who are convicted in connection with the Congress movement are undoubtedly entitled to special treatment. As has been pointed out by Nawab Jamshed Ali Khan Sahib there was some discussion on this question in the Committee formed by the last Council for the purpose of enquiring into the administration of the jails in these provinces. The Committee stated that they were not prepared to recognize any class of prisoners as political prisoners; but those classes of prisoners for whom there has been a demand for special treatment were mentioned by them, and they were prepared to include the political prisoners in the class to which they were ready to accord special treatment. In their report, Sir, they said: "As we are going to recommend that all those offenders whose offence does not involve moral turpitude and whose social status and mode of living is different from the rest of our jail population should receive special treatment and as we believe a majority of political prisoners as defined by us will be covered by our general recommendations it is not necessary for us to make any recommendations in favour of political prisoners as such. In our opinion, they will come under the heading of 'better class prisoners' with whom we are dealing in the following paragraph. That is to say, the Committee say that as they are going to draw a distinction between a prisoner who has committed an offence involving moral turpitude and a prisoner who has committed an offence involving no moral turpitude and a prisoner who has been living a higher life they feel there is no need to recognize any class distinctly and definitely as political prisoners, and that the political prisoners must come within the category of "better class prisoners" that better class is either "A" or "B", not "C".

"C" class prisoners are those persons to whom the same treatment is still accorded which used to be accorded in the pre-reform days. Therefore, Sir, according to the recommendations of that Committee we can claim that the persons who are convicted of political offences are entitled to special treatment. I do not insist that we should make any distinction on the ground that such and such a person has committed a political offence but I do insist that we must always stick to the principle on which the classification of prisoners to A, "B" and "C" classes was based. We must recognize to what status in society the person who is going to jail belongs—what has

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been his mode of life and whether he will be able to do what is required to be done by those prisoners who are classed as "C" class prisoners. Now Sir I will submit that unfortunately as far as the present movement is concerned this distinction to my knowledge has not been maintained. I know of persons who certainly belong to a higher class and who have been living a very high life but they have been put in "C" class in spite of the fact that their social status has been brought to the notice of the District Magistrates and to the notice of persons by whom their cases were tried. I will give one or two particular examples. There is a gentleman who has been recently sent to jail in connection with the civil disobedience movement from Najibabad which is a town in my constituency, I mean the district of Bijnor, his name I have forgotten at this moment. But I know his brother who has since long been practising with me as a lawyer. I know his father and I know to what class of society he belongs. I know what sort of life he has been living. In spite of all this he was put in "C" class; when this fact was brought to the notice of the District Magistrate. He perhaps instituted an inquiry through his Tahsildar or the Sub-divisional Officer. It was I who brought these things to the notice of the District Magistrate and I received letter from him replying that "the person about whom you have written is a mere shopkeeper and is not entitled to special treatment". I will submit, Sir, that to be a shopkeeper is not a mean thing. There are many shopkeepers who are living a higher life than many of us, than even many District Magistrates and many officials, and he is a person who has been paying income-tax, who has been carrying on money-lending business, who has got zamindari property and who is really a man who belongs to a respectable class and in spite of the fact that his brother is an Advocate that he was living a higher life he was not considered entitled to any special treatment. Sir, the report whether it was the report of the Tahsildar or of the Sub-divisional Officer was absolutely wrong, I will say it wrong because when he was sent to jail during the last civil disobedience movement he was given "B" class, but now he has been given "C" class. I do not know what were the reasons which led the officers at that time to give him "B" class and what are the reasons which led them now to give him "C" class.

I will give another example of a gentlemen who was practising with me as a pleader. He was also sent to jail in connection with the civil disobedience movement. He disobeyed a notice which was issued to him under an Ordinance. His name is Ram Gopal. He is the son of a money-lender, who is also a zamindar and has property and who also pays income-tax. He also has been put in "C" class. When such persons are put in "C" class I do not know who on earth will be placed in "A" or "B" class. I wonder for whom "A" or "B" class is meant when men of position and of education are being placed in "C" class. I hope that these two examples will suffice to show how iniquitous is the classification

made by the district authorities. I need not waste the time of the Council by multiplying them, although I know a good many more.

Now, I pass on to the administration of Ordinances in these provinces. Much has been said already on this subject by previous speakers. A good deal has already been said of the way in which notices have been issued to persons restricting their movements. In my own district I know of cases where notices were issued against persons, restricting their movements not to the town, but to a particular locality in the town. Now, I ask, is it fair to issue such notices. I submit that while in other towns notices were issued against Congressmen restricting their movements to the municipal limits, in my district the movements of persons were restricted to particular localities and mohallas. Now, Sir, how unjust it is to put a restraint of this kind on the liberty of a person can be gauged from the following example. Supposing the man whose movements have been restricted lives in Ghazi-ki-Sarai, and supposing there is a road on the other side of it, on which there is the house of a relation of his or on which there is a mosque. Now this man cannot go across the road to see a relation of his, nor can he go there to offer his prayers simply because the house of the relation or the mosque is situated in another mohalla. This man, for fear of the Ordinance, cannot offer his prayers. How hard it is on a Muslim to be deprived of prayers this House can imagine for itself. The fact of the matter is that these Ordinances have in many cases interfered with a man's religion and have also prevented him from performing his social obligations. Then, again notices have been issued forbidding persons from holding any political meetings. In doing so Government can be justified if they say that no political meeting in furtherance of the Congress movement would be held. But what does it mean to promulgate orders under section 144, Cr. P. C., not for a week, not for ten or twenty days, not for one, two or three months, but for long periods, saying that no public meeting shall be held except with the permission of the District Magistrate or the Superintendent of Police. Is this not restricting the liberty of people unfairly? Is it not putting a check on the people which is most unjustified? I submit, Sir, that this is the way the Ordinances are being administered, and it is in order to remedy a state of affairs like this that my honourable friend has brought forward his resolution. I have said about the way in which the Ordinances are being administered, I have said about the classification of prisoners. Now I will say something about the amendment that has been moved by Mr. Ali Zaheer that the duty of classification should be imposed on a person who should not be less than of the status of an assistant sessions judge. It may be asked why the deputy collector before whom the case is tried should be deprived of this power, why should he not be considered entitled to determine the class of the prisoner whom he has sentenced. I will try to be very clear and will not hide anything. District Magistrates and executive officers cannot be relied for these matters. Judicial officers can be relied upon. An

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assistant sessions judge is a judicial officer who always comes from the civil side. He is a man who has worked in civil courts and is a direct subordinate of the High Court. He can exercise independence in the matter. Therefore I am prepared to rely on him. He should be entrusted with this duty rather than the district magistrates and deputy collectors whose administration we have seen up to this time and whose experience we have had that in spite of clear instructions they disregard orders and send people to jails classing them as "C" class prisoners. Therefore, Sir, I support the motion that has been put forward as amended by the amendments of Rai Bahadur Babu Awadh Behari Lal and of Mr. Ali Zaheer. It is in the interest of this province and it is in the interest of the Government itself that they should act up to the advice that is contained in this resolution.

Rao Bahadur Thakur Bikram Singh : I do not mean that law breakers should not be imprisoned for the offence they commit in connection with civil disobedience. I have already expressed my view on the point before lunch. The Government must go on carrying on their policy which they have adopted in order to check this movement. But at the same time I must say, Sir, that the persons who are convicted of such offences are political prisoners; they are not habitual criminals. If, as I have said, a settlement is arrived at—and I hope it will—between the Government and the Congress, I am sure these persons will be released. After all they deserve some consideration, not because of the offence but because the time is not far off when all these things will come to an end and they will also be peaceful citizens living in a calm and cool atmosphere. I have to mention one word, Sir. The previous speaker pointed out that such cases should be tried by a sessions judge or a subordinate judge. Well Sir, it would be ludicrous for this House to decide that deputy collectors or deputy magistrates should not try such cases, because the resolution if passed would mean an amendment of the Indian Penal and Criminal Procedure Codes.

The Hon'ble the President: It is no question for a trial, it is only the classification of prisoners.

Rao Bahadur Thakur Bikram Singh: To my mind, these prisoners if they are convicted by deputy collectors or magistrates can make an appeal to the High Court because they have got a right of appeal. I shall say one word more. If some consideration is going to be shown to the prisoners of other jails, it should also be given to the district jail of Aligarh. The other day I was at Aligarh and certain facts were brought to my notice, and I was told to make personal inquiries as a non-official visitor. But I refrained from doing so and did not like to visit the jail.

On account of certain disability I would like to disclose it on some suitable occasion, if necessary. I would request the Hon'ble Home Member to give sympathetic consideration to his own jail of

Aligarh, if he is going to show any consideration to other jails of the province.

Munshi Gajadhar Prasad: Sir, the object of the resolution as it is worded is perhaps capable of being misunderstood. It may be taken to mean that it suggests that the Ordinances be maintained, and some people might raise an objection that it is a pity that that it is not sought that the Ordinances be withdrawn. Now the resolution as it is worded is due to the fact that there was a fear of a possible objection on the part of the Government that these Ordinances were thrust upon them by the Government of India and that they were absolutely helpless in the matter. All that the resolution seeks is that in the exercise of the Ordinances the Government might show as much restraint and moderation as possible. It is possible for the Government to apply these Ordinances with as much severity and rigidity as possible, and on the other hand it is possible that they may show leniency in the application of these Ordinances. Unfortunately the tales of woe which we have seen in the papers from time to time tend to the conclusion that the farthest limit has been reached. It appears that the Government is perhaps acting on the maxim—spare the rod and spoil the child—the utility of which has been exploded long ago even by the experts of the Education department for which it was particularly meant. Now, Sir, if the policy of coercion is replaced by that love and trust, I believe most of the troubles that we have seen will soon disappear.

We find that the magistrates who have had occasions too administer these Ordinances have awarded usually the maximum amount of punishment. These cases may be divided into three groups. One of them may be the cases of persons, if I may be pardoned for using the expression, of the type of habitual offenders who have been political offenders for a long time. Then there may be cases of such persons as may have recently joined the movement. Lastly, there may be cases of certain students and ladies who may have joined the movement recently for the sake of fun or on account of mere curiosity. In the latter class may be found several cases where mere warning might have sufficed, but in those cases we find as a matter of fact that the maximum amount of punishment, very often above one year, has been awarded. Now, Sir, every one is familiar with the name of Mrs. Uma Nehru of Allahabad who is known as a woman of culture and attainments and whose services in the cause of the motherland are well known. It is a pity that she has been given "B" class. To this we may add the cases of Pandit Krishna Kant Malaviya and Babu Purshotam Das Tandon who enjoy a provincial reputation for their selflessness. It is unfortunate that they have not been treated with leniency.

There is another case which I may mention to the House—the case of a daughter-in-law of one of the leading advocates of the Allahabad High Court, I mean Mrs. Norah Banerji, daughter-in-law of

[Munshi Gajadhar Prasad.]

Mr. Peare Lal Bannerji, who is miles away from any kind of politics, good, bad or indifferent. The antecedents of this lady also is that she had nothing to do with politics. Not long ago she joined the Civil Disobedience Movement. She has been awarded, as far as I can recollect, probably a year. That was a case which the Government should have dealt with more leniently and probably a warning should have sufficed.

There have been several flagrant cases of abuse of power by District Magistrates but it is needless to waste the time of the Council by enumerating them. I may, however, mention the case of the seizure of the Congress Hospital at Allahabad, which was doing very useful work. We also find that at Aligarh an order was promulgated prohibiting any tonga or ekkawala to carry any person on his tonga or ekka who was clad in khaddar. Now we have also read of the incident at Saharanpur where certain Congress volunteers' faces were blackened, and a report concerning the same had appeared in the *Leader* of February 5. We find again that even the College premises have not been left alone. The College at Meerut was raided and then we are informed the Prem Maha Vidyalaya at Brindaban was also seized. It is unfortunate to mention to the House that poor and old ladies have been severely dealt with. The cases of the two ladies, one at Lucknow and the other at Tanda is well known to the honourable House. We are pained to discover that deterrant sentences have been awarded to certain ladies at Muttra. There is the case of an old lady at Narouna a village in Lucknow tahsil. She was assaulted with the butt-end of a policeman's rifle because she could not supply the whereabouts of her son who was alleged to be a Congressman. In this connection a Missionary lady, Miss Erea Pennar issued a statement, of which the Government may possibly be aware of. She says. "An outrage against womanhood showing an utter disregard for age and lack of respect for mother-hood was perpetrated last Tuesday at Narcuna, when Moola, the mother of Daya Ram, was assaulted by the police. It seems that the police were searching for Daya Ram who is sympathetic with the present Civil Disobedience Movement. Not finding him in his home, they disregarded his mother's claim that he was not there, forcibly entered the home and broke open the wall to the grain store room.

Not finding the son, they most indecently beat the mother with the butt ends of their rifles. Such an outrage against an aged mother whose one fault was mother-love, is a sad commentary upon those forces which are supposed to stand for the insurance of protection of person and property. Surely such an outrage against defenceless womanhood can indicate nothing less than authority run amok, and power without some control."

The Hon'ble the Finance Member: May I ask what the document is which the honourable member is reading? Has it appeared in any paper? I should like to have a copy of it?

Munshi Gajadhar Prasad : I will give a copy to the Hon'ble the Finance Member.

The Hon'ble the President: Will the honourable member say what that document is to which he is referring?

Munshi Gajadhar Prasad: This is a statement issued by Miss Erea Pennar a missionary lady who personally visited the village and made inquiries.

The Hon'ble the Finance Member: To whom did she make that statement and what is the document in which it is published?

Munshi Gajadhar Prasad: I am not aware of its publication anywhere, but she made the statement to responsible persons and probably the matter was brought to the notice of the district authorities concerned. These are only a few of the instances that have appeared in the press and the press has also been very careful in the matter, because it is afraid lest its freedom may be curtailed.

Now, the honourable mover of the resolution has also said that inquiries may be made into the matter by some authority. He has suggested that the Publicity Bureau might go into the matter. We have every confidence in what the Publicity Bureau does, but if some non-official members are also taken into confidence it would be a good thing, because the fear of the public is that since they are officials of the Government they may not be able to visualise the popular aspect of things. So if they take some members of this House into confidence, the public will hear with satisfaction.

With these words I would whole-heartedly support the motion and I would suggest that the Government would be earning the gratitude of the public and of the politicians of this country if in the use of these Ordinances they exercised the utmost moderation and restraint and allowed things to be managed by a policy of love, conciliation and trust instead of a policy of coercion.

Mr. J. M. Clay: Sir, my purpose is not to deal with the general aspect of the resolution which is now before this House, but rather to explain a few of the references which have been made by various honourable speakers during the course of the debate. To judge by some of the speeches which have been made, one might suppose that these Ordinances have been used in a repressive and harsh manner, but I was very glad to have one tribute from my friend the honourable member for Cawnpore, when he said that in the rural area of that district, the original No-Rent Ordinance, that is to say Ordinance no. 12 of 1931 had not been used in an objectionable way and that very few complaints had been made with regard to it. Even with regard to the other Ordinances which were promulgated at the beginning of January last, if one regards the actual instances which have been quoted by a number of honourable members of this House, I must say I think that on the whole the feeling of Government may be one of satisfaction that more and worse instances of "repressive" action have not been able to be quoted. I would

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ask, Sir, that honourable members of this House should remember that when it is necessary to have recourse to unusual powers of this kind, it is extremely difficult to ensure that there should not be some instances in which measures are taken which are not fully approved by the Government.

If honourable members will take into consideration the size of the province and the magnitude of its population, and the enormous number of officials, many of them of quite low status and themselves illiterate, such as police constable, chaukidars and others, I think it is a matter on which this Government may well congratulate itself that the instructions which were issued when first these Ordinances were promulgated, viz., that every possible care should be taken to see that they were used with the greatest moderation and restraint, have been as a general rule carried out. This has often been, I would remind the House, in circumstances of the utmost provocation and frequently of very great personal danger to the police whose duty it was to restrain demonstrations not seldom of a violent and threatening character. The honourable mover of this resolution said that cases in which firing had been resorted to had occurred in 14 districts. I think the honourable mover must have reckoned from the beginning of 1930; but, as I read this resolution, it is intended to refer to the Ordinances promulgated since the beginning of December of last year. Taking the resolution in that sense I am only able to recall four instances in which it has been found necessary to resort to firing. These are, first at the village of Rudapur in the Allahabad district when two shots were fired by the police in order to restrain a very threatening crowd, which showed signs of attacking them. These two shots did not cause any casualties or damage to any one. The second occasion was at Ramkola in the Gorakhpur district, when again a very small party of, I think, three policemen, were taking two or three men under arrest away from a meeting at which they had been arrested. They were set upon by a large crowd of sympathisers with the Congress. In order to protect themselves and to carry out their duty of conducting their prisoners to the nearest police station, these police men also had recourse to three shots; and on that occasion, I believe one person was slightly injured. The other two occasions were more serious. First, at Benares on the 5th of January when as no doubt all members of this House will remember, a large procession was taken to the Municipal Hall in the city of Benares: on being stopped at the gates of the Hall compound the procession became very violent and stoned the police who were on duty at the gate. After long and futile efforts at persuading this crowd to disperse the District Magistrate, who was directing the operations in person, was compelled to order firing, with the result that three persons were killed and some 25 to 30 more, so far as has since been ascertained, were injured by buckshot.

The fourth occasion on which firing has recently been resorted to was that alluded to by the honourable member for Hardoi and which occurred at Simaria on the 26th of January last. In view of the

way in which he described the incident at Simaria I think it is only fair to the police and the members of this House that they should hear something more about that incident. It was ascertained by the police on the previous day that there was an intention on the part of the local members of the Congress party to take a large demonstration into the cattle fair on the following day. In order to be prepared for the trouble that this action on the part of the Congress party was likely to produce the local Circle Inspector and two Sub-Inspectors collected such forces as they were able to lay their hands on and took them with them to the police camp at the cattle fair where, as usual, there was a small party of police to look after the fair and maintain order during its progress. At about 2 p.m. on the 26th of January a procession of Congress sympathisers led by some dozen men came to the fair. The Circle Inspector went to meet them; he arrested the twelve leaders and brought them back to the police camp without any serious difficulty or any violence being offered to him. But very shortly afterwards a crowd, inspired apparently by some previous exhortation, collected and surrounded the camp. The police camp contained only 7 armed police and some 20 *chaukidars*, and the crowd, which was estimated to be of four to five thousand persons, surrounded this camp which was about 30 yards square and was protected merely by a *sirki* fence. They threw all kinds of missiles at the police; they pulled down one of the *Chouldaris* which was erected for them to sleep in and carried away the contents, they used most threatening and violent language, making it quite clear that unless they were in some way restrained, they would rush the camp. There was considerable danger that the tragic episode of Chauri Chaura would be repeated at Simaria. The Circle Inspector, who retained his presence of mind in the most difficult circumstances, warned the crowd repeatedly. He was assisted by three or four zamindars of the locality, one being an honorary magistrate, whom the Circle Inspector had persuaded to accompany him in order to try and maintain peace and order in the fair. Despite all their efforts the crowd, instead of becoming peaceful and beginning to break up, became more and more threatening and dangerous. The Circle Inspector finally gave the order to fire and firing was conducted in the most restrained way possible. There was no volley firing; only single shots were fired, one at a time wherever the pressure of the crowd became most menacing. In all 30 shots were fired and four persons were actually killed, whilst, I understand, there were 20 or 25 persons injured. In the circumstances, the police are entitled to great commendation for the restraint which they showed. Indeed if there is any criticism to make it is rather on the score that they took too great a risk; for they came very near indeed to being overwhelmed in the execution of their duty.

There are several other incidents to which reference has been made. There was a petty affair at Saharanpur about which the facts are these. There were two boys of about 14 or 15 years of age. I do not know whether the Congress would dignify them by the name of volunteers;

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possibly they did. These boys had been in the habit of flying kites from a neighbouring house, with Congress emblems attached, over the Kotwali. This considerably annoyed the police of the Kotwali. Warnings and orders to desist had no effect on those boys until at last one day the police succeeded in catching them. They took them inside the Kotwali and, as you have heard, they blackened their faces with some powder which could easily be removed, rather after the manner of the Holi festival, and they turned them loose in the bazaar so as to try and deter them from this childish and foolish behaviour. There is no truth, so far as I am aware, in the story that they were paraded with a procession of policemen carrying lathis through the bazaar and held up to ridicule. I may inform the House that the treatment administered was quite effective and that no more flags were flown by means of kites over the Kotwali.

Rai Bahadur Thakur Hanuman Singh : A very good way of prevention.

Mr. J. M. Clay : As I have already pointed out, it is desirable to remember that Government have to work through human beings and that human beings on provocation are apt to react in certain ways.

The story about volunteers being taken to the Kotwali at Rae Bareli and beaten is quite new to me. If it can be stated with details, dates and other relevant particulars, it will be possible to examine it.

There was a reference also to lathi charges on spectators when processions were being taken out. I think probably that this is a reference to the affair which took place at Allahabad on January 5 when, as is well known, the police were compelled first to clear away the spectators before they could remove the procession of volunteers which was taken out on that day. As a matter of fact, a special enquiry was made on that point and the District Magistrate reported that the spectators of that procession were really more violent and abusive than the procession itself. The procession was orderly and well-behaved, but the spectators shouted abuse and showed themselves to be very hostile indeed to the police and in the circumstances of the locality it was impossible to remove the members of the procession without first clearing away the ranks of the spectators. It was in these circumstances that the spectators were cleared away not by means of lathi charges, as was said, but by the use of polo sticks cut off short which are not by any means such formidable weapons.

Another reference was made to the closure of the Congress hospital at the Swaraj Bhawan at Allahabad. It is perfectly true that when the Swaraj Bhawan was closed and taken over, the hospital which it contained was also closed, but Government has decided to reopen that hospital and staff it with a member of the Provincial Medical Service and I understand either that the hospital has been reopened or will very shortly be so.

Another point which was taken was about an order passed in the Aligarh district forbidding persons wearing khaddar to be taken as passengers by motor-lorries or omnibuses in the district. It is quite true that this order was actually issued, but this was due to a mistake on the part of one of his subordinates in understanding the order passed by the Superintendent of Police. As soon as this order was brought to his notice, it was cancelled. It was by no means his intention to stop any person wearing khaddar from travelling in public conveyances but merely those who were known to be Congress volunteers or agents whose intention in travelling was to go into the district with a view to stirring up trouble.

Another order passed in the Allahabad district which has been criticised was one issued—I think it must have been to some one in a village—not to take in any guests in his house without first obtaining the permission of the local sub-inspector of police.

In more than one place these orders were actually issued. Now this no-rent campaign was carried on by itinerant agitators going from village to village in a district asking people not to pay rent and stimulating general resistance of tenants to their landlords. The first step taken to deal with this difficulty was to close local Congress offices at various villages in districts, particularly in Allahabad where there was a large number of them. But it was found that even after these offices had been closed, these itinerant agitators were often entertained by sympathisers in various centres, and it was with a view to checking this source of hospitality to these troublesome persons that several orders of this kind were issued. I do not think that in these circumstances it can be said that such orders were entirely unreasonable.

I think these are the most important instances of the so-called repressive action or abuse of power used in connexion with the Ordinances. I have only one other thing to explain and that is with regard to the classification of prisoners. The rules for this classification are based on instructions given by the Government of India. They regard it as very desirable that, as far as possible uniform treatment should be secured in this matter throughout India. But it is of course possible for this Government to classify any particular prisoner in any particular class if they desire to do so. I think that after listening to the speeches made by several honourable members of this House one would come to the conclusion that a large number of persons convicted of offences under the Ordinances were either ladies or graduates or persons of high social and financial status. That I can assure the House is not the case. There are a number of, I know, highly respectable and respected persons who, for various reasons, have thought it their duty to signify their dislike of the present policy of Government by undertaking this agitation. But it can safely be said that 80 or 90 per cent. of the persons actually convicted are persons of very ordinary status indeed and a considerable number

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of them are actually paid to come forward and defy the orders passed under the ordinary law or the Ordinances. I believe they are paid eight annas a day.

Shaikh Muhammad Habib-ullah : Six annas.

Mr. J. M. Clay : I speak subject to correction. But there is no doubt that we receive constant reports to the effect that in a large number of instances the people who take part in processions come in from other districts or from other parts of the same district and simply in order to make a little money from the local congress committee they come forward and get themselves arrested and sentenced to terms of one, two or three months' imprisonment. If these people are going to be given special treatment such as putting them in "B" or still more in "A" class, then the number of volunteers and others who come forward for arrest may well trebled or possibly even quadrupled. It would then be extremely difficult to find the money needed for their entertainment at a time like the present when the provinces is suffering from a very severe financial depression. I am sure the Hon'ble Finance Member will be alarmed at such a prospect. There are several thousands of such prisoners now being fed at the cost of the general tax-payer. If we are going to add a still larger number, it will seriously embarrass the Jail Department budget.

Mr. Ram Bahadur Saksena : Why are respectable people of good families treated like those ruffians ?

Mr. J. M. Clay : There are I know a considerable number of respectable persons who have been placed in classes A and B. The principle adopted has been that when any person is convicted of a political offence he is either placed in class C or, if the magistrate has any reason to think that he should be placed in a higher class he is placed in B class and his case is referred to Government for orders. If all cases were referred to Government in the first instance the resulting increase in work would be very great, and it seems hardly necessary to make a general rule to this effect. But in any case where any person has reason to be aggrieved or his friends have reason to feel aggrieved, it is always open to them to come straight to Government, and ask for a special inquiry. I know the Hon'ble Home Member has several such cases under consideration at the present moment, and more are being referred to him. In any case where Government have reason to think that a person has been convicted and placed in a class which is unsuitable for his or her status in life Government will not hesitate to make a change and place him or her in a higher class.

Question.—How many such changes have been made so far ? I am afraid that is a matter which is within the cognisance of the Hon'ble the Home Member. I am really in this matter speaking on behalf of the Judicial Secretary who is not present in the House today. In one case, however, which has been definitely referred to by name, that of Mrs. Uma Nehru, I wish to assure the House that she has been placed in class A and has been in that class for some time.

Rai Bahadur Babu Vikramajit Singh : What about the case of Narayan Prasad Arora ?

Mr. J. M. Clay : I know the gentleman by name and I have the pleasure of his acquaintance, but in what class he is I am unable to say.

Rai Bahadur Babu Vikramajit Singh : He is placed in class C. Last time he was in class A.

Mr. J. M. Clay : I see, Sir, the time is already getting on and I have stated all the facts which I think the House should be in possession of.

Rai Bahadur Thakur Hanuman Singh : May I ask a question, Sir ?

The Hon'ble the President : Yes.

Rai Bahadur Thakur Hanuman Singh : The Chief Secretary has not explained why prisoners in the Allahabad jail are treated as was stated by me in my speech ?

Mr. J. M. Clay : Certainly I will do so. It is admitted on all hands that several of our jails have been overcrowded as a result of the large number of convictions under the Ordinances and the ordinary law during the last few weeks. The House is probably aware that the camp jail at Lucknow has just been opened, and it is anticipated that by using the extra accommodation thus provided these complaints will very soon be remedied and will no longer occur. Meanwhile I may say that instructions have been issued that as far as possible political prisoners should not be detained in tents in the way described by the honourable mover of this motion.

***Rai Rajeshwar Bali :** The resolution moved by my honourable friend on my right is I think a very moderate and modest one. I believe the aim of the honourable mover was not to indict Government for any lapses which they may have committed in the administration of these various Ordinances. If that had been his object perhaps it would have been possible for us to bring to the notice of the House many complaints regarding their administration.

His main intention was that a policy of coercion should give place to a policy of conciliation, and in establishing his case that so far a policy of coercion has been adopted he mentioned a number of instances. Well, Sir, I need not labour this point at any great length. Even on Government's own admission it is clear that at least a number of instances have occurred in these provinces which are far from what Government consider to be desirable. As has been admitted by the Chief Secretary himself the exact words used by him were : "in having recourse to unusual powers a certain number of such cases are bound to occur." That is exactly what we say. Our point is that this policy, under which it is possible to have such instances, should give way to a policy of conciliation in order that it may not be possible to have such cases in future. I need not refer in detail to the reply which

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the Chief Secretary has given to several instances which were mentioned in this House today, but it is obvious that he admitted at least a part of our allegation in respect to some of them. He admitted that in a number of cases something wrong had been done, though he may differ from us as regards the degree of intensity of these things. For instance, he admitted, in regard to the Congress hospital, that it was seized by the Government. Well, Sir, the complaint has not been that it should have been re-established and should be run by a Provincial Medical Service Officer. In fact, we have got many hospitals, and the Medical department can supply the needs of the people in this respect; but the complaint has been that the Government have gone so far even to seize an institution which was not meant for political purposes. It was mainly for giving medical relief to the people. Then, Sir, he admitted the mistake in regard to the Aligarh order, and though he explained away the case of Saharanpur I believe many of us will not be convinced by his explanation. There was no reason for the police to take action of the kind which they took. There were other ways. If they wanted to take legal action they could have taken it in other ways than by blackening the faces of the boys, as they were called by the Chief Secretary. This is not the way in which they should deal even with these people. However, Sir, I need not go into the details of these charges and counter-charges and explanations.

What the mover of the resolution wanted to establish was that there is at present a policy of coercion and I believe the very fact that we are in these days going through a rule by Ordinances establishes that point sufficiently. The intention of the honourable mover is that this policy should give way to a policy of conciliation and I need not at this late hour traverse the same ground which was covered in the morning. Our object is that these Ordinances should be worked in a way that they may not further alienate the feelings of the people and that they may not bring discontent and disaffection still further. As I said in the morning, when the Government promulgated the first Ordinance relating to the no-rent campaign we all of us gave support to that Ordinance. In fact the moderate opinion, the opinion of those who did not belong to the Congress camp, was in support of the Government. They all thought that the Congress had adopted a very ill-advised action. But, Sir, the feeling has been growing that after all the wide powers which have been given by these Ordinances have not been used in a manner in which we would have liked them to be used. I quite agree with the Chief Secretary that in these provinces perhaps there have been far few cases of resort to firing as compared with other provinces and I believe, though I am not aware of the condition of other provinces but from the newspaper reports which we have seen, that perhaps there has not been abuse of power here to the extent to which it has happened elsewhere. But all the same the point at issue is this that the use of these Ordinances does exasperate people and it would be much better if you could find some way, devise some means of replacing this rule by Ordinances and this policy of coercion by a policy of conciliation in order that a better

atmosphere may be created when you are launching upon a new scheme of constitutional reforms. After all you cannot go on endlessly, you cannot go on indefinitely with the present scheme of things. You cannot rule the province by a system of Ordinances long. You have to think of some constructive policy and it is to this that the first part of the resolution relates. If the object of the resolution had been to condemn the Government for its past actions perhaps it would have been differently worded. If honourable members will look at the wording of the resolution they will find that it says nothing more than this that the present policy should be replaced by a policy of conciliation and that the Government should enjoin upon its officers certain matters. As has been admitted by the Chief Secretary himself certain mistakes have been committed and in his view it was inevitable that they should have been committed. At any rate if you enjoin upon your executive officers the need for greater restraint and moderation perhaps their number would be far more limited.

Then, Sir, I come to the second part of the resolution which relates to the classification of these prisoners. I must confess that I am not at all satisfied with the reply given by the Chief Secretary on this point. His contention was that wherever complaints have been made by prisoners or their relatives with regard to classification, Government have been prepared to look into them. That, I submit, is not enough. After all, whether you agree or not with the Congress tactics, it is the duty of the Government to see that the treatment meted out to such prisoners does not savour of vindictiveness. Government are well aware of the fact that these people do not even defend themselves, and that, I submit, puts on the Government the additional responsibility to see that fair treatment is accorded to them. Well, Sir, a number of cases have been mentioned to-day by honourable members in which the executive officers have failed to give justice to these political prisoners, and under these circumstances it is no wonder that the House is not disposed to trust the executive officers of Government in this matter. I, therefore, wholeheartedly support the amendment moved by my honourable friend, Rai Bahadur Munshi Awadh Behari Lal, and further amended by my friend, Mr. Ali Zaheer. If the task of classification of prisoners is entrusted to responsible judicial officers, it would satisfy the public at large and bring justice to the persons concerned.

There is just one more point which I shall touch. The Chief Secretary cited with approval the statement made by Rai Bahadur Babu Awadh Behari Lal with regard to there being no trouble in Cawnpore district. When he did so, I wondered whether he would accept the Rai Bahadur's testimony with regard to incidents in Cawnpore city, to which he alluded. If the Chief Secretary took advantage of the Rai Bahadur's evidence with regard to one aspect of the district, it was fair to expect that he should have placed the same reliance on the other and given reasons for the neglect of duty in that respect by the Government.

The Hon'ble the Home Member : I am very grateful to the Chief Secretary for the explanation which he gave with regard to the classification of prisoners and which has saved me the trouble of covering the same ground again. At the outset I should like to offer a few remarks with regard to myself. I am an Indian, I will be an Indian and I shall die an Indian. My heart goes in full sympathy with my countrymen, whether Hindus, Muslims or Sikhs or Parsis or any one. This is my personal feeling. This has been my personal feeling and I hope it will be my personal feeling till my last breath. But, Sir, there are responsibilities, and although the life of my Home Membership is only of two and a quarter days more, I will be responsible for my duty to the last moment. An honourable gentleman, the mover of the resolution, has reminded me that on a previous occasion I promised and declared before the House that the Ordinances which had been passed would be worked sympathetically and with care and said that another honourable member, to whom I hope all the members of the House have a great liking, the leader of the House, Mr. Blunt, also joined with me in this. But, Sir, what I said then I am saying this evening also that the Government were on a point of defence when these Ordinances were promulgated and they are on the point of defence also taking all the care to use their power when it is strictly necessary. As there is generally a difference of opinion among all men, so there was a difference of opinion in the Congress whether the civil disobedience movement or the no-rent campaign should be started before or after the coming back of Mahatma Gandhi or it should not be started at all at the present gloomy state of affairs in the country. Anyhow the movement was started, and when it was started we had to do what we could and we are doing what we can to face it. When anything comes to the notice of the Government directly or indirectly through papers or otherwise, the Government does not shut its eyes and ears. We listen to them and then we judge the affairs on their face value. (Some gesture of laughter at the speech of the Hon'ble the Home Member was made by some member.) I cannot speak English. I was not taught in any school or college, and I can only speak in broken English but I humbly submit to the honourable members of the House to consider my sentiments and not my poor English. I am sorry that I have to speak in English. I wish I could make a speech in Hindustani, as I was very glad to see one honourable gentleman speaking in that language fluently on the floor of this House the other day. If I were allowed to speak in Urdu, my voice would reach beyond the roof of the House, and then I should claim to be one of the good orators.

The Hon'ble the President : If the Hon'ble the Home Member wishes to speak in Urdu, he can do so.

The Hon'ble the Home Member : No Sir, now I do not want to speak in Urdu because I have got only two and a quarter days at my disposal as a Home Member, as all along I have been speaking in broken English, and if God willing I ever come to this House again of course as a non-official member my brothers will see how I can speak in my mother-tongue.

However, there has been said something about Mrs. Uma Nehru having been placed in class B. The position is like this. We sent orders for her being put in class A. The order went to Allahabad. She was transferred to Lucknow and the order did not reach her in time. She was for the first night put here in Lucknow in B class. The moment I was aware of this I phoned to the Superintendent of the Jail and asked him to come and see me. He explained to me that so long as orders were not received about the classification of a prisoner they treated him as B class, and as soon as orders are received they act accordingly. This is what exactly happened in this case. She was at first put in B class for the first night and after seeing the Superintendent, I immediately asked the Judicial Secretary to phone the Superintendent to give the lady A class and treat her accordingly. I am surprised to hear statements made in this House that she is treated as B class prisoner. Whenever anything has come to my knowledge I have always done my best. We refer the matter to the district authorities concerned and change the orders if and when necessary. The previous speaker, my honourable friend from Hardoi, brought to my notice the case of a political prisoner and instantly I ordered that inquiries might be made from the district authorities; but so far no report has come to me. Last year I visited some thirty jails to find out particularly how prisoners were treated there. I went to the jail in my own district, Aligarh, and found a gentleman who was a member of the District Board put in C class. I at once put him in B class then and there. This year owing to the business of the Council and for want of time I have been to only one jail—I mean Benares jail. I found there Khan Sadullah Khan, nephew of Khan Abdul Ghaffar Khan. I spoke to him in English, in Pashto and in Urdu. I found him very cheerful and comfortable. One complaint he made was that the quarter was small and he could not take any exercise. I stated in my inspection note that this facility may be given to him. I do not say that all C class prisoners are badmashes or luchas or riffraff. I may say that *admi admi antar hai—koī heera koī kankar hai*. We must treat *heera* as *heera* and *kankar* as *kankar*. All I have said here, Sir, is only to show that the Government are not unmindful of the miseries and needs of the people and they try their best honestly and sincerely to remove the real legitimate grievances of the public as much as they possibly can. And this certainly applies in the case of the classification and better treatment of prisoners also.

Nawabzada Muhammad Liaquat Ali Khan : Sir, I have great admiration for the sentiments which were expressed by Hon'ble Nawab Sir Muzammil Ullah Khan, but I am very much disappointed in his speech as Home Member of the United Provinces Government. He has not said anything about the subject-matter of the resolution. The resolution makes a definite recommendation and the Hon'ble the Home Member has not said a word about it as to what is the attitude of the Government on that point.

The Hon'ble the Home Member : About part (b) of the resolution ?

Nawabzada Muhammad Liaquat Ali Khan : About the classification of prisoners.

The Hon'ble the Home Member : The Chief Secretary has relieved me of that part of the question. We have got rules and orders from the Government of India which we have to follow.

Nawabzada Muhammad Liaquat Ali Khan : So I take it from the interruption that the Government are opposed to the recommendation embodied in the resolution as amended by Rai Bahadur Babu Awadh Behari Lal. There is a well-known saying.

تا نہ باشد چیز کی مردم نہ کمیند چیز عا

Even if we take out the exaggerated part from the speeches of the honourable members the fact remains that a number of respectable people have not been given proper class to which they were entitled. A number of instances were quoted. The Chief Secretary selected only those in which the action of the Government was laudable and very conveniently ignored others and said that the Hon'ble the Home Member would deal with them. We did not hear a word from the Home Member about it. It was due to the policy of the Government in this respect and it was due to the fact that the Government had failed to give satisfaction about the classification of prisoners that it was considered necessary that a recommendation of this nature should be made on the floor of this House. If the Government had placed all the respectable Indians, who have gone to jail, in accordance with the rules which they have framed and which they administer then there would not have been any necessity for any kind of recommendation to be made on this point. The amendment, that was moved to the original resolution, to my mind is a very modest one. It would save the Government from a lot of blame that might be put on them. It would place the responsibility on a judicial officer whose honesty and impartiality cannot be challenged. It merely asks that as soon as a person is convicted the papers connected with his status in life will be sent to a judicial officer and he will take into consideration any representation that might be made on behalf of the prisoner and will classify him according to his social, educational and financial status. I am at a loss to understand what difficulty the Government has on that point. Of course we are not aware if there is any as it has not chosen to take the House in its confidence.

We are living in abnormal times. The situation in the country is a very difficult one. It is not my intention to apportion blame for the present state of affairs between the Government and the other party. I am sure it must be as irksome to the Government to rule by Ordinances as it is to every Indian to live under a regime which borders on martial law. A Government of this nature, rule by Ordinances, cannot endure unless the Government has a vast majority of the people behind it. It is the duty of the Government to see that the powers given to their district officers are not abused, that they are used with the greatest moderation and restraint, and those people who go to jail for their convictions, whether they hold those convictions rightly or wrongly, are given a fair and just treatment.

Those people who go to jail should be given a treatment which would not create any hatred in their hearts. The effect of the misuse of the powers would be that the people who are against civil disobedience will have no sympathy with the action of the Government. However honest the Government may be to maintain law and order in the interest of the country, its alien nature would always make people suspicious and so it is still more necessary that they should be very careful in using these extraordinary powers, should take the people into their confidence and make them feel that whatever they are doing is not out of vindictiveness, but is really for the good of India as a whole.

Rai Bahadur Thakur Hanuman Singh : Sir, I accept the amendment of my honourable friend, Rai Bahadur Babu Awadh Behari Lal, as amended by the amendment of Mr. Ali Zaheer, with a view to get greater support to the resolution which I have placed before this honourable House. Even if the resolution moved by me and as amended be accepted by the Government, it will be a great improvement on the present conditions. My task of replying to the Government has been much lightened by the speeches of Rai Rajeshwar Bali and Nawabzada Liaquat Ali Khan. Therefore, I wish to make a few brief remarks in connexion with some of the points touched by the Hon'ble Mr. Clay, Chief Secretary, and the Hon'ble the Home Member. It appears from their speeches that they have purposely avoided to give any explanation of the misclassification of prisoners in whose case they have taken no action, but whose names were referred to by me and other speakers who have followed me. Nothing was said by any speaker on behalf of the Government why Mr. Parshotam Das Tandon, Pandit Krishna Kant Malaviya, Mr. Ram Ratan Gupta and Mr. Khanna, to leave others, were not classed as A class prisoners. Sir, it is a general complaint, which I wish to bring to the notice of the Hon'ble the Home Member, and I hope he will take a note of it and take action either himself or leave it to his successor. The volunteers who are arrested are beaten by the police before they are sent to the lock-up. There should be instructions to the Superintendents of the Jails to examine the prisoners when they first go into the jail very carefully and any marks on a person should be noted and reported to the Government through district authorities. This will put a check to a very great and extremely harsh treatment which the arrested persons suffer at the hands of those who arrest them.

It was complained that ladies are generally awarded rigorous imprisonment and they are required to attend the parade in jail. This grievance should also be removed. I wish to repeat what has already been said by the Hon'ble Nawabzada Liaquat Ali Khan that the Government reply has not been satisfactory. It is expected that the Government will take all that has been said on this resolution on the floor of this House into consideration and do its best to remove the grievances which have been pointed out.

The Hon'ble the Finance Member : Sir, this resolution falls under two parts. I shall deal principally with the first, as it concerns me : the other concerns my honourable colleague.

The first point that I should like to emphasize is the remark made by my honourable friend the Deputy Leader of the Opposition. Mr. Clay gave a certain explanation of an incident in Saharanpur. The honourable member took pains to impress the House that he was not convinced by the explanation. What I have to complain of is that nobody ever seems to be convinced by *any* explanation that Government may give. That is, Sir, rather discouraging. From the very first day I took charge of my office I made it my endeavour to tell the Council everything with the utmost candour, but what is the good of doing it if you are never going to be believed? This is rather discouraging.

***Rai Rajeshwar Bali :** I did not mean to say that I did not believe. I only said that the reasons given by the Chief Secretary were not convincing. I perfectly agree that so far as the Hon'ble the Finance Member is concerned, he has treated the House with the utmost candour and frankness and we are grateful for it. I did not mean to suggest that I did not believe what the Chief Secretary said. My only submission was that the argument advanced by the Chief Secretary was not at all convincing. That is entirely a different thing.

The Hon'ble the Finance Member : Of course, that is an entirely different thing. I do not claim infallibility for Government arguments, but what I do consider is that explanations when given might be accepted. At all events we might be given the benefit of the doubt.

Another point to which I must refer is the careless way in which slanders are being brought forward in this House without any sort of proof. Some times they were not even definite statements. It was suggested that the police committed murder.

Rai Bahadur Thakur Hanuman Singh : May I ask the honourable speaker to repeat what I said?

The Hon'ble the Finance Member : That the police had murdered somebody.

Rai Bahadur Thakur Hanuman Singh : I said "killed".

The Hon'ble the Finance Member : Killed somebody. It comes to the same thing. They only did it in self-defence.

Rai Bahadur Thakur Hanuman Singh : No, Sir. It was in connexion with firing that so many people were killed.

The Hon'ble the Finance Member : And blame them for doing so? Such killing could not be defended. It was done in self-defence and it is not fair statement to make in cases where names were mentioned.

There was another honourable member who made a statement to the effect that the police had beaten women with the butt-end of the rifle when making a search. The names of the persons were mentioned and of a lady who made it. But so far as we have been able

to discover there was no proof whatsoever for that. Certainly nothing has come to Government about it. And the story is dubious, for the police making a search do not usually have rifles with them. I think more care should be taken in making these statements. That particular case the honourable member obviously should have brought to us. We should have made some sort of inquiry into it and then he might have quoted it on the floor of the House if he wished to make a statement of that kind.

Now to come to the main point. We have admitted quite plainly that there have been mistakes in the use of these Ordinances. I said this morning that that was so and I again repeat it.

What is surprising is not that there have been so many mistakes but that there have been so few. Look at what the resolution asks us to do. It asks Government "to enjoin upon the executive and police officers the necessity of observing the greatest moderation and restraint in the administration of the several Ordinances, and so on". But we do that daily. Whenever we hear of a case in which there has been absence of moderation or restraint or even bad judgement, we at once tell the officers their mistakes. We repeat that case to all other officers so that they may not do the same thing. Circulars advising moderation are constantly going out. One has gone out quite recently. I have no objection to accepting the first part of the resolution which merely asks us to do what we have been doing constantly.

Now, Sir, we come to the second part. About that I personally have very little knowledge. I understand that whenever a prisoner is obviously better than "C" class, he or she is at once put in "B" class to start with, and the question of putting him or her in "A" class is subsequently sent up to Government. The only case in which a wrong thing may possibly be done is where the trying magistrate or the district magistrate does not think a particular person good enough to be put in the "B" class, and undervalues his or her status. Such cases cannot possibly be very common; and all doubtful cases do come to Government.

We have been twitted with not having mentioned particular cases that were referred to in the debate, but unfortunately the Secretary who deals with these cases happens to be absent today and my honourable colleague could not possibly remember the names of all the persons he deals with. I have no doubt whatever that they have already been dealt with, but he cannot remember what the order was in a particular case. If anybody wants to know that, he has only got to step into the room of the Secretary tomorrow or the next day when he will be back to work and he will get the information.

Another point was raised—another instance of these wild general statements—that the police always beat volunteers and the request was made that the jail authorities should always examine the prisoners so as to see whether that has been done. As a matter of fact, the jail authorities medically examine every prisoner that comes into the jail, whoever he may be. That is the general rule.

The Hon'ble the Finance Member.]

The last point is the general proposal with its amendment. I do not know if the honourable members quite realize what that means. If we were to put on a civil judicial officer to examine the cases of all these prisoners and to decide as to what class they ought to go into, this, of course, will have to be done immediately after conviction. I presume being a civil judicial officer he will have pleaders to represent the parties.

Nawabzada Muhammad Liaquat Ali Khan : May I point out that the amendment of Saiyid Ali Zaheer is to omit the word " civil " and to add the following words after the words " judicial officer of the district " :—

" not below the rank of an assistant sessions judge ".

The Hon'ble the Finance Member : I think an assistant sessions judge will want pleaders too. There is a considerable number of these people from time to time. I do not see how he would be able to do this business any more quickly, make any better job of it than the Hon'ble the Home Member, who is the person who deals with all these cases.

To sum up, I am quite prepared to accept part (a) of the resolution. As regards part (b) I must oppose it, because I do not consider that there is any real need for it. Everything to secure the right class for prisoners is already done and if there is any definite individual case of which anybody knows it will be looked into at once. I accept the first part of the resolution and oppose the second one. I hope that the resolution will be put in two parts.

The Hon'ble the President : The resolution moved was—

" That this Council recommends to Government that in these provinces the policy of coercion should be replaced by a policy of conciliation at the earliest date and to the largest possible extent, and to achieve this object instructions, amongst others, may be issued as follows :—

(a) To enjoin the executive and police officers the necessity of observing the greatest moderation and restraint in the administration of the several Ordinances in force in these provinces, in the promulgation of orders under section 144 of the Criminal Procedure Code and in the dispersal of prohibited processions and meetings.

(b) To direct that persons convicted of non-violent political offences and sentenced to imprisonment are, as a rule, treated as " A " class prisoners, and for special reasons to be recorded and published, as " B " class, but never as " C " class, and that most particularly ladies convicted of such offences are shown the utmost consideration."

Since when an amendment has been proposed by Rai Bahadur Babu Awadh Behari Lal that the following be substituted for part (b):—

“(b) to direct that persons convicted of non-violent political offences and sentenced to imprisonment shall be classified according to their social, educational and financial status by a civil judicial officer of the district before whom full particulars shall be placed within a week of the conviction and who shall also take into consideration any representation made on behalf of the prisoner.”

Since when an amendment has been moved that the word “civil” be omitted therefrom and after the word “district” the words “not below the rank of an assistant sessions judge” be inserted. As requested by the Hon’ble the Finance Member, I propose to put the question in two parts. The question is that the following be adopted:—

“That this Council recommends to Government that in these provinces the policy of coercion should be replaced by a policy of conciliation at the earliest date and to the largest possible extent and to achieve this object instructions, amongst others, may be issued as follows:—

(a) To enjoin upon the executive and police officers, the necessity of observing the greatest moderation and restraint in the administration of the several Ordinances in force in these provinces, in the promulgation of orders under section 144 of the Criminal Procedure Code and in the dispersal of prohibited processions and meetings.”

The question was put and agreed to.

The Hon’ble the President: The question is that in the amendment proposed by Babu Awadh Behari Lal the word “civil” be omitted and after the word “district” the words “not below the rank of an assistant sessions judge” be inserted.

The question was put and agreed to.

The Hon’ble the President: The question is that instead of (b) of the original resolution the following stand part of the resolution:—

“(b) To direct that persons convicted of non-violent political offences and sentenced to imprisonment shall be classified according to their social, educational and financial status by a judicial officer of the district, not below the rank of an assistant sessions judge, before whom full particulars shall be placed within a week of the conviction and who shall also take into consideration any representation made on behalf of the prisoner :

Provided that no lady convicted of such offences shall be placed in ‘C’ class.”

The question was put and agreed to.

RESULT OF THE ELECTION TO THE SELECT COMMITTEE
ON THE UNITED PROVINCES DISTRICT BOARDS ACT
(AMENDMENT) BILL.

The Hon'ble the President : I have to announce the result of the election held today to the select committee on the United Provinces District Boards Act (Amendment) Bill. The names of the members elected are :—

Mr. J. R. W. Bennett.

Shah Nazar Husain.

Mr. P. Mason.

Thakur Muneshwar Bakhsh Singh.

Rai Rajeshwar Bali.

Khan Bahadur Maulvi Fasih-ud-din.

Rai Bahadur Thakur Hanuman Singh.

Rai Bahadur Babu Jagadeva Roy.

Sahu Jwala Saran Kothiwalla.

Khan Bahadur Syed Jafer Hosain.

The Council adjourned at 5.40 p.m. till the following day.

LEGISLATIVE COUNCIL, UNITED PROVINCES OF AGRA AND OUDH.

February 26, 1932.

THE Council met at the Council House, Lucknow, at 11 a.m.
The Hon'ble Sir Sita Ram in the Chair.

PRESENT (80).

<p>The Hon'ble Mr. E. A. H. Blunt. The Hon'ble Nawab Sir Muhammad Mazammil-ullah Khan. The Hon'ble Nawab Muhammad Yusuf. The Hon'ble Mr. J. P. Srivastava. Mr. J. M. Clay. Mr. H. A. Lane. Mr. P. Mason. Mr. V. N. Mehta. Mr. C. St. L. Teyen. Mr. F. Canning. Mr. A. H. Mackenzie. Mr. J. N. L. Sathe. Mr. R. D. W. D. Macleod. Rai Bahadur Pandit Suraj Din Bajpai. Pandit Tika Ram Misra. Mr. E. F. Oppenheim. Mr. K. N. Knox. Mr. S. T. Hollins. Khan Bahadur Saiyid Ain-ud-din. Khan Bahadur Saiyid Abu Muhammad. Mrs. J. P. Srivastava. Khan Bahadur Maulvi Fasih-ud-din. Rai Sahib Babu Rama Charana. Mr. Perma. Chaudhri Ram Dayal. Chaudhri Jagarnath. Chaudhri Baldeva. Sahu Jwala Saran Kothiwala. Mr. Tappu. Chaudhri Ram Chandra. Chaudhri Ghasita. Rao Bahadur Thakur Pratap Bhan Singh. Rao Bahadur Thakur Bikram Singh. Pandit Joti Prasad Upadhyaya. Chaudhri Dhirya Singh. Honorary Lieut. Raja Kali Charan Misra. Thakur Balwant Singh Gahlot. Rai Bahadur Babu Brij Lal Badhwar. Rao Bahadur Kunwar Sardar Singh. Rai Sahib Lala Manmohan Sahai. Babu Ram Bahadur Saksena.</p>	<p>Kunwar Jagbhan Singh. Mr. Brijnandan Lal. Mr. Bhondwa. Chaudhri Bharos. Rai Bahadur Babu Jagadeva Roy. Mr. Dahari. Rai Rajeshwari Prasad. Rai Bahadur Thakur Shiva Pati Singh. Thakur Giriraj Singh. Pandit Prem Ballabh Belwal. Thakur Jang Bahadur Singh Bisht. Pandit Brahma Dutt alias Bhaiya Sahib. Rai Bahadur Thakur Hanuman Singh. Lal Sheo Pratap Singh. Thakur Muneshwar Bakhsh Singh. Raja Jagdambika Pratap Narayan Singh. Rai Bahadur Kunwar Surendra Pratap Sahi. Rai-Rajeshwar Bali. Khan Sahib Muhammad Maqsood Ali Khan. Shah Nazar Husain. Captain Nawab Muhammad Jamshed Ali Khan. Nawabzada Muhammad Liaquat Ali Khan. Hafiz Muhammad Ibrahim. Khan Sahib Muhammad Hadiyar Khan. Khan Bahadur Hafiz Hidayat Husain. Khan Bahadur Maulvi Saiyid Habib-ullah. Khan Bahadur Saiyid Jafer Hosain. Shaikh Afzal-ud-din Hyder. Khan Bahadur Maulvi Muhammad Fazlur Rahman Khan. Sirdar Muhammad Shakirdad Khan. Muhammad Imtiaz Ahmad. Shaikh Muhammad Habib-ullah. Rai Sahib Lala Anand Sarup. Chaudhri Muhammad Ali. Thakur Rampal Singh. Rai Bahadur Kunwar Bisheshwar Dayal Seth. Raja Jagannath Bakhsh Singh. Rai Bahadur Babu Vikramajit Singh.</p>
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Babu Gajadhar Prasad.

GENERAL DISCUSSION OF THE BUDGET, 1932-33.

Rai Bahadur Babu Jagadeva Roy : Sir, with your permission in the first place I must heartily thank the Hon'ble Mr. E. A. H. Blunt for his ability, statesmanship and ripe experience. But, Sir, at the same time I keep my congratulations reserved so far as his capacity of Financial Membership is concerned. The reasons therefor I will shortly give. In connexion with the budget under discussion the first item which I shall place before this honourable House will be the provincial budget policy. According to my humble estimation the provincial budget policy does not seem to be in strict conformity with the general rule which we all know. In every day talk we say one should cut one's coat according to one's cloth. Or to give another example I shall submit that in the preparation of the present budget expenditure has not been made dependent upon the income. This is one of the reasons which I have to discuss at great length. Now the second item of mine will be the position of a non-official member of this House regarding budget. The third point of mine will be the position of the Government benches regarding budget. Now these two points I shall take together and will show what is the exact share of a non-official member in the preparation of the budget. Sir, we have to remember that the whole population of the province is represented in this House in some form or other. We the non-official members represent the provincial population, and the Government benches represent the provincial population on the line of the Government provincial policy. Starting from this point of view we have to see what is the responsibility which lies upon the shoulders of the non-official members in connexion with budget matters. It has to be remembered in this connexion that the provincial population, roughly speaking, can be divided into two parts. The first part is the agriculturists including the zamindars and the second part is the commercial and business men including Government servants. Now, Sir, the question is what is the proportion of these two kinds of population in the province. I would put it at 70 to 30; in other words, 70 per cent. of the population consists of zamindars and tenants, i.e., agriculturists and 30 per cent. of the population consists of other men—commercial and business men including Government servants. This is the total so far as the provincial population is concerned.

Now, let us analyse the budget in the light of these things and let us see how far we can convince the people whose representatives we are in this House today. We have to convince those people, the poor taxpayers, whose representatives we are here; and similarly the Government benches will have to represent the case of the Government side. Judging from this point of view a simple question will arise which I will just present before the House. Now, Sir, we have to consider in this connexion the present state of the 70 per cent. of the population, i.e., the agriculturists. Let us see their condition first, and let us see how the burden of the present budget falls on their shoulders. In the very beginning I may be permitted to say in the words of the Hon'ble the Finance Member—which will be found in his statement on page 3.—“the cultivator found his income materially reduced; as a consequence the income of the landlord was

also materially reduced. The former could not pay his rent, nor the latter his revenue except from his savings or by recourse to the money-lender." That is the true picture of the condition of the agriculturist classes, according to the statement of the Hon'ble the Finance Member. Accepting as I do to be the real state of affairs I have to show before you what are the further grievances of these agriculturist classes. My humble submission, Sir, is that at present the rural indebtedness of this country amounts, roughly speaking, to not less than 900 crores of rupees. This province largely shares in this figure of debt.

Such is the state of the agriculturists. This country—especially the rural area—is indebted to the extent of 900 crores of rupees. Sir, if I were to put the interest at the rate of 12 per cent. per annum that will give a figure over 140 crores. The real indebtedness of this country is roughly speaking 900 crores of rupees, the interest of which at the rate of 12 per cent. per annum will be over 140 crores.

The Hon'ble the Finance Member: Mr. E. A. H. Blunt I think 900 crores of rupees is the debt for all India. What is the real indebtedness of the province?

Rai Bahadur Babu Jagadeva Roy: I am shortly placing the result of this in connexion with the budget before the Council.

My submission therefore is, Sir, that the agriculturist class has got over its head such an enormous amount of debt, the interest of which will be at least three times the annual Government revenue which is paid in this country. So what will be the conclusion of this? The conclusion of this will be that the burden over the agriculturist is to pay the annual Government revenue plus three times of it as interest on the debt. Such is the position. Now what is the burden according to the preparation of the present budget? The burden is that the province is asked to take nearly three crores of debt over its head. That is my real grievance—that this big item of three crores of debt is an additional burden over and above the calamity from which the agriculturist class is suffering from before. Now, Sir, what is the result of this? The result of this is that the agricultural improvements have already been injured, the agricultural cultivation has been retarded and deterioration has begun in this class. So let us take all these things into consideration and then see whether the budget which puts three crores of rupees as debt on the head of the agriculturist class and the remaining population will be welcome by them. How can such a budget be welcomed? That is one of the propositions which I put before the House. My honourable friends will fully realize that there is no escape out of this difficulty on this ground that this is not the fate of the budget of this province only. Deficit budgets are seen almost everywhere in the world at the present moment. I submit, Sir, that this argument will not hold good in respect of the budget of this province. The reason is very obvious. Supposing a man were to incur a debt say of Rs. 100 in order to start a business of his own in the hope that it would yield him a profit of say Rs. 5 per mensem, then I should think that the money borrowed was to a good purpose, because in that case the man would be able to make Rs. 4 a month after paying the interest of say Re. 1. If this

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were our position also, we would have welcomed even a deficit budget, for in that case after paying the interest on a debt of three crores, we should have been able to make some profit out of this borrowed money. This, Sir, is not possible of attainment in this province, because, as I have already submitted to you, we are for the most part agriculturists and we have no industry or commerce in which to invest our money. In the case of other countries the position is quite different, because the money they borrow they invest on industrial and commercial enterprises, which eventually yield good returns. But such is not possible with a province where the majority of the population are agriculturists. This being the position, it is our duty to see that our expenditure is not excessive and that we have a balance budget. I submit, Sir, that we the non-official members are also responsible for the budget. On behalf of the Government it can be argued that in the preparation of the budget this House have a hand in two different ways. Firstly, the Hon'ble the Home Member and the two Hon'ble Ministers, who are representatives of this House from the non-official side, take an effective part in the preparation of the budget. Secondly, when the budget is presented to the House its vote is also secured. In the circumstances it may be asked, what right have we to criticise the budget? To this question my answer is simply this. During the short period that I have been in this Council I have never seen the Hon'ble Ministers or the Hon'ble the Home Member voting as they pleased on questions that came up before the House. They always voted on the side of the Government on every subject that came up for discussion. Whereas the non-official members do take different paths, as we see every day, a few of us going to the Noes and a few towards the Ayes. What is the conclusion of this? The conclusion is only one and it is this that non-official members have been giving their best consideration and discretion according to their standards. They are not guided in matters like this by some sort of a rigid formula. My submission, therefore, Sir, is that on no occasion it so happens that the Hon'ble Ministers come forward to convince the non-official side so as to enable the non-official members to represent the cause of the public whom they represent. The conclusion, therefore, is that the burden primarily lies over the heads of the non-official members in accepting or not accepting the budget under discussion. I am not of the opinion that the budget under discussion should not be allowed to stand, but my point is that it can be modified to such a great extent on the reduction side of expenditure that it can be appreciated by the province at large. I am standing here not for the sake of criticism. I am a sharer in the responsibility for the preparation of the budget, and so I must point out to this honourable House a remedy which lies in our way and thus to get over that difficulty. Now, Sir, I put forward the ways, or in other words the remedy for getting over this deficit budget. According to my views, the first issue for consideration in connexion with this particular point is whether we can get rid of the deficit budget and to have a well-balanced budget in its place, and whether we should take our income as the limit or whether we should take the expenditure as our limit. I am quite alive to the fact which has been stated by the Hon'ble the Finance

Member in his statement where he definitely says that much attempt has been made to reduce the expenditure. This is not all. He further says that retrenchment has been given effect to. Now we have to see whether we can succeed in the first place in making our income as the limit of the budget and then to adjust our expenditure, and if we can succeed in this attempt then our budget becomes well balance. But if we fail in this attempt, then there is no other alternative left for us, but to borrow money and to run on a deficit budget. In this connexion we have got an established fact which will lend us a very great help in solving out this problem. The Government with our aid have put forward a scheme which shows at present retrenchment of Rs 69,56,760 under the present budget.

This is the amount which is said to have been retrenched so far as the year under discussion is concerned. Now, Sir, the items which have been taken in connexion with this retrenchment have to be considered. Let us analyse this as a layman and see the sources from which these items have been reduced and then consider whether the effect of this retrenchment has been to deteriorate the efficiency of administration. If it does, I should be the last person to say that there should be retrenchment at the cost of the efficiency of administration. But, Sir, it appears to me at least that this retrenchment is nothing, but a very small portion of the luxurious heavy administration. It cannot possibly affect the efficiency of administration. To put a simple instance of this, I shall point out what is this retrenchment. It is just like a pillow having unnecessary borders on its four sides for the sake of beautifying it. Only on one side of the four borders a cut has been made in the form of retrenchment. Even if the borders of all the four sides were cut the pillow would remain unaffected and its usefulness is not diminished. This is the way in which this retrenchment amounting to 69 lakhs has been made by the Government and there is no question of deterioration of efficiency. I should therefore like to point out that there is much more scope for reducing the amount of expenditure to such a level as to bring the budget to the level of a well-balanced budget by cutting the other three sides of the border of the pillow. I say much more scope and for this. I rely on the hypothesis given by the Hon'ble the Finance Member. On page 6 of the statement made by the Hon'ble the Finance Member—towards the end of paragraph 13 it is stated—"Though the obvious avenues have been explored, there are still dark recesses in the financial forest where waste may be lurking. If so, the hunters of the Finance department will track it down". Sir, can I not on the strength of this version make an earnest appeal that there is still much more scope to be hunted? Can I not go further and say on the basis of this that the Hon'ble the Finance Member has assumed the present office only a few months ago and that during such short time he had not enough time to spare for this particular business; otherwise he would have brought the budget to the level of a well-balanced budget. He himself could have brought it and that is why I kept my further congratulations reserved, so far as the capabilities of the Finance Member were concerned. I earnestly expect and I am fully convinced that with the aid of these non-official members—assessors who are not jurors we will have a judgement from the Hon'ble

Rai Bahadur Babu Jagadeva Roy.]

the Finance Member one day very shortly whose statesmanship, ability and ripe experience are so well-known to these provinces. He himself will be the author of that memorable and brilliant judgement which will have a unique record in the provincial budget history. It will be his duty at the time of the revised budget of this year or at the most by the end of this year to place before this honourable House a well-balanced budget and that will be the judgement. There are certainly scopes which will be hunted out by the eminent Finance Member along with his two capable Finance Secretaries. The consequence of this will be that the prayers of the poor tax-payers will pour over their heads like blessings from above with the result that the position which the Hon'ble the Finance Member occupies today will lead him to another jump in no time. Let us see whether on the basis of facts and figures, I can convince the honourable members whether such a judgement can be expected or not. My honourable friends might be thinking that I am praising the Hon'ble the Finance Member on no ground. No, there are substantial grounds and let us now analyse those substantial grounds.

The Honble the President : I am getting a little bit anxious. I think the honourable member should extricate himself from the forest of his eloquence. He has been talking for about 30 minutes. I will give him 15 minutes more and at 12.15 his time will be up.

Rai Bahadur Babu Jagadeva Roy : As regards the remedy the first point I wish to say is that there is much scope under the various heads of the budget out of which much more retrenchment can be made. But why has this not been done. It appears to me that if the Hon'ble the Finance Member and his two Secretaries be given full freedom in the preparation of the budget very good results will follow.

A very good result will follow that they will curtail all unnecessary expenditure and will bring the item of expenditure to the level of their income. The present difficulty lies in the fact that the present system of retrenchment is defective. What is done is that various heads of departments are asked to send their respective schedules of reduction. We can very well understand what we can expect from these heads of departments from the official empty benches. How can our appeal go to their ears so as to make them convinced of the fact they are ruling over the poor tax-payers for their comfort in the first place and then for their comfort in the second place. Every head of department tries to suggest as much less as possible for retrenchment. There is only one way of doing this. The Hon'ble the Finance Member and the Finance Secretaries know about every department, and if they decide to curtail expenditure, they should not hear what the heads of departments have got to say in the matter. They should cut down their budget. There is no fear of inefficiency in the administration of any department. Retrenchment should be on some principle and not to suit the convenience of particular departments and persons. For instance if the Hon'ble the Finance Member thinks that the post of the Finance Membership is not required, he should not care a fig as to who is the occupant of the post but he should see that that post is abolished.

I again repeat that certainly there is much more scope for retrenchment. Let us take for instance the leave rules and the system of commutation of pensions, period of making retirements earlier and so on. You will find from the summary of action taken on the report of the Retrenchment Committee that several items are shown as under consideration, requiring the sanction of the higher authority. Financial difficulties began in 1930, and two years have passed away and no full solution has been made to meet that difficulty. The result is that the Government machinery is run on loans. So my submission is that this question should be solved as soon as possible, and the only way out of this difficulty is retrenchment.

Government have made a cut of 10 per cent. in the salary of all Government servants only for fifteen months. Does the Government think that after fifteen months we will have a well-balanced budget. I think the period is very short and then I have further to submit that I expect as a non-official member that sort of co-operation which we learnt in the case of England, where the Cabinet made a 15 per cent. cut voluntarily. But here the cut began very late making us suffer a good deal before and even then it was not voluntary. This is a contrast which I should not expect in a poor country.

The Hon'ble the Finance Member : May I point out, Sir, that the Cabinet cut, whether in this province or in England was voluntary.

Rai Bahadur Babu Jagadeva Roy : And then, Sir, another way of minimizing the item of expenditure is a comparison of the budgets of other industrial and commercial countries. The result of this will be that the establishment charges in this province will be found comparatively high such as salaries etc. I would, therefore, submit, Sir, there is absolutely no reason why items of expenditure should not be reduced. There will be absolutely no reason or ground for murmuring on the part of any man. The state of our poor tax-payers is so well-known that it needs no further explanation. An Indian is expected to live on an income of one and a half annas to two annas a day indeed a sum which is quite inadequate, why should there be a further reduction in this small income.

The Hon'ble the President : I regret that I must ask the honourable member to cut short his interesting discourse.

Mr. Brijnandan Lal : Sir, it is an irony of fate that one of the most popular Finance Members should have to present one of the most depressing budgets. In the memorandum on retrenchment schemes, in the items that have been actually taken in the budget for 1932-33 as well as those which are under discussion with the higher authorities and those which will be taken into account with the revised estimates, I find that there are several reductions of posts. So far as the higher posts are concerned, I am sure that the occupants of those posts which have been abolished have either been transferred to other departments or, are on the verge of retirement. But I want to know what has been done in the case of the smaller posts. I know with regard to one or two departments that some people may have to go, as for example, the trained teachers in the police lines.

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Their services are going to be dispensed with, while there are some lucky people in the same department whose salary even is not going to be reduced. These teachers were transferred from the district and municipal board schools to the police lines, where they are at present teaching constables. God only knows where they will be able to find fresh jobs in these days. In the same way there may be many other people in other departments whose posts will come under reduction and I want to know what the Government is going to do for them. I may humbly suggest that a committee may be appointed to go into the question of unemployment. It is all very well for us to come in cars, talk here and go away like heroes, but the question is what the children of these people are going to do. I am sure if the Government thinks over the matter they will be able to find out some means of relieving these poor people who have been dismissed on account of retrenchment. As regards these poor teachers in the police lines, I will suggest that either they may be appointed as head constables when vacancies occur or they may be appointed as teachers in other Government schools, or they may be recommended to district boards and municipal boards which may take them back as teachers in their own schools.

Mr. C. St. L. Teyen : May I correct the honourable member ? The teachers whose posts are to be abolished by Government, are not going to be dismissed immediately. They will be absorbed in vacancies as they occur and their posts will be abolished only after they have been so absorbed.

Mr. Brijnandan Lal : How long will this process take ?

Mr. S. T. Hollins : May I inform the honourable member that these teachers have still a lien on their original posts and that we are trying to have them taken back by district and municipal boards. If we do not succeed in inducing these boards or the Education department to take them back, we will retain them till they gradually retire. We do not propose to throw them out at once.

Mr. Brijnandan Lal : I will urge upon the Government to appoint a committee to go into the situation, because the army of the unemployed is swelling every day and if it remains unchecked, it will be a source of great danger to the peace of the country. Retrenchment is being done for the purpose of balancing the budget so that the economic troubles may be avoided, but if these people are not afforded any relief in their distress there will be very great discontent. That is all I have to say with regards to the budget, because I thought that the claim of the unemployed was the most pressing one and their grievances should be ventilated.

Captain Nawab Muhammad Jamshed Ali Khan : Sir, it has been an established practice of the members of this House to give vent to their feelings and put forward their suggestions for the consideration of the Government at the time of the general discussion of the budget. Sir, before I avail myself of that opportunity I wish to congratulate the Hon'ble the Finance Member, the Finance Secretary and the Finance Deputy Secretary on the industry and ability they have applied in preparing this budget. I particularly thank the Hon'ble the Finance Member for the lucid and interesting statement which he has put

before the House. Sir, it is very satisfactory to know that every avenue has been explored in order to cut down the expenditure and full consideration has been given to the recommendations of the Retrenchment Committee. But I would suggest that there is some more room for retrenchment and for the consideration of the Hon'ble the Finance Member I will put forward some suggestions in the course of my speech.

Land revenue is the major portion of the provincial income and on account of general economic depression and bad climatic conditions of the year it is very much affected. At the same time we do not see a bright future before us. Under these circumstances the income side of the budget is beyond our control and it is only the expenditure side of the budget which we can regulate according to our resources. I leave for my other honourable friends to discuss the figures of the budget. I only take a general view of the matter.

First of all I want to say a few words about the rent and revenue committee which was appointed by the Government. I cannot help complaining that the recommendations of the Land Revenue Committee have not been fully given effect to so far as the remission of land revenue is concerned. I think I am voicing the view of all the land-owning classes when I say that the remission of land revenue was quite unsatisfactory and inadequate. Sir, it is in most cases that the landlords could not realize from their tenants even half the amount that was due after remissions. We see every day that the tahsil havalats are full of lambardas and zamindars and they are forced to pay land revenue which they are unable to collect from their tenants. It is really a pity. I would suggest that at the time of realizing land revenue particular enquiry should be made as to what proportion of rent the zamindar was able to realize from his tenants, and the land revenue should be realized in easy instalments. Now I want to say a word about these tahsil havalats which are worse than any jail. These poor unfortunate defaulters of land revenue are shut in there like sheep and goats. There is no arrangement for water; no beds are supplied to them, and they are very inhumanly treated. I strongly protest against this bad treatment which they daily receive from the tahsil officials.

Now I come to the Irrigation department. I offer my thanks that some reduction has been made in the water-rates, but it is very inadequate. A special reduction should be made in the irrigation rate for sugarcane crop. I assure you, Sir, that the financial equilibrium of the agricultural class is quite upset and they are in need of every possible relief. I am glad to find that serious efforts have been made to run this department more economically, but at the same time I would suggest that the principle should be—the more the saving the greater the reduction in the water rates—otherwise we cannot welcome these savings. Though much economy has been shown in this department, yet I think there is still some room for it.

For instance, I can say what is the use of keeping deputy magistrates of canals. These cases can be very easily disposed of by an ordinary deputy collector who is in charge of railway cases. I think we can have some saving if we can do away with these posts. This can be done very easily and thus some more reduction can be made in

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water rates. There are other instances like that and I hope the Hon'ble the Finance Member will see to them. As I have already said particular attention is required in the case of agricultural class because they are really in very deplorable conditions. Most of them are just at the point of starvation. Here I remember an Urdu couplet. — ذرا خیال رہے اُن دنوں غریبوں کا جہازِ دُوب نہ جائے ستمِ نصیبوں کا

Zara khyal rahe in dinon gharibon ka.

Jahaz doob na jaye sitam nasibon ka.

Now I want to say a word about the hydro-electric scheme. I offer my thanks to Mr. Stampe for the enthusiasm and untiring efforts he has made to make this scheme a success, and I hope that the intricate problem of irrigation will be very much solved through this scheme. But at the same time I would submit that this scheme is not so much popular in the rural area as it was expected to be. In my opinion there are two reasons for it. Firstly the charges of energy are very high and they should be lowered down, so that the poor agricultural class might be benefited out of it, and secondly I do not think that Martin Company or the representative of any other firm can efficiently deal with the rural population as far as the distribution of energy is concerned. In my opinion the district board is a proper agency for the distribution of energy. The district board is the only body which is in direct touch with the rural population and if the work is taken through this agency, it will be very popular and very successful. I hope this suggestion of mine will be considered. Now I want to say a word about the Medical department. I can never be a party to any retrenchment in this department unless it is assured that the saving will particularly be spent for the relief of the rural public. At present the rural public do not get sufficient medical relief. The dispensaries are situated either in tahsil headquarters or in big towns. Those villages which are at a distance are wholly deprived of the medical relief. I remember that Sir Ivo Elliott had prepared a scheme which was sent to the various district boards and the idea was that Government should give some grant to district boards to open new dispensaries provided they were ready to bear some percentage of the expenditure. I think it was quite a good scheme and the Government should consider it again as it will produce great medical relief to the rural public.

At the same time in this connexion I would suggest that the women folk in the rural areas are absolutely neglected. There is no arrangement for a lady doctor in these dispensaries. My submission is that at least in those dispensaries which are situated at the headquarters of tahsils, one lady doctor should be attached.

Now I come to the roads. The conditions of the roads, especially the roads under the supervision of district boards, are going from bad to worse every day, and I am afraid if they are neglected any longer they will have to be constructed afresh and a considerable amount of money will be spent over them. It was said that the money from the petrol duty would be allotted for the maintenance of these roads and would be given to district boards. As far as my district goes I can say it has not got its share yet. If this money from petrol duty was

not meant for the district boards, then I urge that it should in any case be given because the condition of district roads is awful. At the same time I want to say a word about the coal tarring of provincial roads—with due deference to expert opinion which says that this process prolongs the life of a road, I would say that it is a mere luxury and does not prolong the life of the roads particularly in comparison to the amount of money spent over it. The condition of the roads in general being so bad we cannot spend money on luxuries and to have more smooth roads. I think we should pay attention to the general condition of the roads first.

Now I want to say just a word about industries. I have only to say that the technical schools which are situated in districts could in my opinion be run more economically and efficiently if they are placed under the supervision of district boards which are very successful with their primary schools and other institutions.

Now I want to bring to the notice of Government a very long-standing grievance of those who fortunately or unfortunately live in town areas and notified areas. They are doubly taxed as they have to pay the district board tax on circumstances and property and also the notified or town area taxes. While the people who live in municipalities are exempted from district board tax. Why not the residents of town and notified areas be exempted from the district board tax?

Now I come to the police department. What I am now going to suggest is not a new thing—it has been urged on many occasions previously. I wish again to suggest that the post of circle inspector is quite superfluous and the sooner it is abolished the better. This is an unnecessary link between the deputy superintendent and the sub-inspector. I think a deputy superintendent can supervise the work of a sub-inspector much better and more efficiently than a circle inspector does.

One more word about the Police Training School. As far as I know the term of the Police Training School has been extended from one year to one and a half years. In my opinion, we are getting now better qualified candidates—in most cases they are graduates and under graduates—and they can get sufficient and efficient training in one year, and this one year's term is quite sufficient and it is no use to enhance it by six months more. In this way there can be some saving.

Now, I come to the Registration department. I do not see any earthly reason why the Inspectors of Registration are kept. What is the use of keeping these Inspectors of Registration? They have got such unwieldy and extensive circles that they can never supervise the work properly. Their inspection of registration offices is merely nominal and they can hardly see the work properly. In my opinion, the Sub-Divisional Officer, the Deputy Collector who is in charge of the sub-division, can very easily and efficiently inspect and supervise these registration offices. I hope these posts of Inspectors of Registration will be abolished as soon as possible. I feel that if the Sub-Divisional Officer will be the inspecting officer he will be knowing the ins and outs of the registration office of his sub-division and the sub-

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registrar thinking that he is within the easy reach of the inspecting officer will be more careful in his work.

Last of all, Sir, I wish to bring to the notice of the Government the long-standing grievance of the Muslim public. It does not concern the Muslims of any particular district, but it does concern the Muslims as a community. Sir, I had tabled a resolution on the subject more than once but unfortunately I could not get a proper place and so it could not be discussed. At present the condition of Muslim women is very pitiable. It is the legal right of a Muslim wife that if she finds that her husband is not keeping her properly and is not giving her good treatment and at the same time he does not even divorce her, she can have separation, what is technically called in Islamic *shariat khula*. But according to the Islamic *shariat* separation cannot be made by any judicial officer other than a Muslim.

It is not mere theory, but we see every day that some conjugal matters of similar nature occur every day and in the absence of a muslim judicial officer poor Muslim ladies have to suffer. Often it happens that the husband of a lady is unheard of and there is no trace of him—it is not known whether he is dead or alive. Now according to the Islamic *Shariat* it is for the lady to go to the Muslim judicial officer and he, after proper inquiry, can say that she has now a right to remarry. Under the present circumstances she cannot. For instance the husband of a woman is a lunatic and she wants separation. She cannot get separation in the absence of a Muslim judge. My submission and very modest request is that in every district a Muslim judicial officer be appointed to decide such conjugal cases in which both the parties are Muslims. It will not be out of place to mention that when I had tabled my resolution of this matter I had received many telegrams and letters from different Muslim institutions expressing their senses of appreciation for it. I have also got a Fatwa of all the standard muslim Ulemas about this. I hope the Government will give full consideration to it. With these words, Sir, I resume my seat.

Khan Bahadur Maulvi Fasih-ud-din: Sir, I assure you that I do not follow the old established custom when I say that that doyen of finance of all-India reputation—I mean the Hon'ble Mr. Blunt assisted as he is by his two able Deputy Secretaries—Messrs. Teyen and Bajpai has fully come up to our expectations in successfully framing a difficult budget in a most difficult time. I am afraid that my friend Mr. Jagadeva Roy has not been generous enough to realize this fact and has criticized this budget in a spirit of antipathy. The only one word that I have for this budget is that it is simply excellent, situated as we are, Mr. Blunt has the candour to admit that in the past there was too much optimism about the budgets. We the members of this Council have been crying hoarse from time to time about the undue optimism of the various budgets that have been presented before us and pointing out that while the receipt side has been over-estimated the expenditure side has been under-rated. The result of this optimism has been that during the last four years with the exception of the budget of 1929-30 all the budgets have shown a

deficit. This optimism was helped unfortunately by a series of bad seasons and by the attacks of locusts.

The chief calamity that has befallen us was the one that occurred last year in the shape of an abnormal slump in the prices of agricultural produce. This slump not only put the cultivators of the soil in a difficult position but almost threatened to bring about a collapse of the administrative machinery. Sir Malcolm Hailey fortunately, like an expert pilot of the boat of administration, formed a retrenchment committee, which brought about a cut of thirteen lakhs of rupees in expenditure, and the Government of Sir Malcolm Hailey brought about another cut of 82 lakhs of rupees.

The present budget shows a deficit of about 69 lakhs, and this sum along with the accumulated deficits of past years comes to the huge figure of 2½ crores, which according to the Hon'ble the Finance Member, might amount up to about three crores of rupees. The question is very serious one and ought to be tackled with the greatest possible care and acumen. Mr. Blunt very rightly says that while the receipts are a matter of knowledge, expenditure is a matter of faith, and this golden maxim should always be kept in mind when we come to deal with the budget. Mr. Blunt has given us a very good account of what he is going to do in future in order to meet this huge deficit of 3 crores of rupees. He has drawn up a programme of five years ending with the year 1938, by means of which he proposes to save over three crores of rupees. He also says that there are other avenues which the Government is seeking for further retrenchment and that the work of retrenchment is not at an end. He says in his usual felicitous and terse style that his department is going to track out the waste in the dark recesses of the financial forest. I hope that he will be generous enough to take some of us also in those dark recesses and obtain the help of some of the non-official members of this House in his campaign against the tigers of waste.

Sir, I need not dwell on the various phases of the budget on this occasion or on the proposed retrenchment which the Government is intending to bring about. But I should like to point out that there are many ways which have not yet been thought out either by the Retrenchment Committee or by the Government and which can conveniently be adopted in order to cover this huge deficit. I will not take this honourable House into those questions which can be conveniently discussed in connexion with the debates on the budget, but I will only deal with those which do not fall within the purview of that debate. The first and foremost question is about the amalgamation of the various departments under individual administrative heads so as to curtail the number of heads of departments. That question has been very ably discussed, and rightly too, by the Retrenchment Committee; but there are one or two observations that I have to make about it. I first take up the department of co-operative societies. The committee gives an option to the Government to transfer this department either to the Director of Agriculture or to the Director of Industries. It is a pity that the committee has shown an indecision in an important matter like this. I am firmly of opinion that the co-operative department should not go to Agriculture but should go to the Industries, and I have strong reasons

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for saying so. I do confess that there are reasons which necessitate the transfer of the department of co-operative societies to the department of agriculture, but there are stronger reasons for transferring it to the control of the Director of Industries. The duty of the Director of Agriculture does not lie only in establishing a few demonstrative and a few experimental farms; nor does it lie in the appointment of inspectors of agriculture and distributing improved seeds. Nor does it lie in looking after the various sections of this department, that is the agricultural engineering, cattle breeding, the entomological section, the zoological and the research sections and so on; but it lies, I submit, Sir, chiefly in his entering into the ideas and wants of the man of the spade and the man of the scythe, in encouraging him, in helping him and in elevating him in order to make him proof against the outside world in his struggle for existence. It lies in enabling him to resist the calamities of the season, the attack of locusts and so on, and it lies also in raising him from the abyss of poverty to the condition in which a human being should live. If you tie down his hands by making over the department of co-operative societies to him, you will be doing a very great and a serious injustice to the 70 per cent. of the population of these provinces who are engaged in the profession of agriculture. On the other hand, the Director of Industries has to deal with traders, capitalists, and bankers, and it is he and he alone who can find enough funds for the establishment of co-operative banks. Besides it has been admitted on all hands that the greatest need of these provinces is the establishment of a net-work of cottage industries. The establishment of this net work of cottage industries will relieve the pressure on land and will afford a very great means of employment to the cultivating classes. It is clear that the population is increasing more rapidly than the value of the product, and for this reason it is high time now for the Government to think of relieving the distress of the residents of the rural area by giving them another means of subsistence, viz., the industries. Sir, we find that on account of the minute sub-division of the holdings and on account of the increasing instability in the cultivating tenure the scientific farming is becoming more and more difficult and the time will come I am afraid, when it will become impossible, and unless the department of Agriculture encourages scientific farming it is of no use to us. Hence it naturally follows that the department of Agriculture is losing its utility as time goes on and as the holdings become more and more minute. For this reason I think that it is high time for the Government to place the department of Co-operative under the Director of Industries.

Another point which I would like to bring out in this connexion is that the heads of departments should be made Secretaries to Government. The reform has proved to be an expensive cat to us. It has swelled our expenditure to an enormous extent. It has maintained the old institutions, the old services, and it has also established new services. These new posts have not curtailed the old posts. It is therefore very necessary to cry halt in the present policy of having new posts without curtailing the old ones. For this reason I am strongly of opinion that the Secretariat should consist chiefly

of the Heads of Departments and not Secretaries who have no special and expert knowledge of the subjects which the Heads of Departments are expected to manage.

Another point which I wish to bring out in this connexion is about the services. The Government has made a very substantial cut in the pay of Government servants, and it is hoped that a similar cut is going to be made very soon in the pay not only of the lower grades of services but also in the pay of the higher grades of services—I mean the Indian Civil Service and so on. But there is one point which has not, I think, been considered hitherto, and it is this that if we go on curtailing the emoluments of the services we will be deteriorating those services, we will be decreasing their morale. The other method of making retrenchment in the services will be to abolish all the new posts which have been created since the Lee Commission. We used to be sufficiently well-off before the days of Lee Commission, why we should not be similarly so in these days of financial stringency.

Another method will be to compel every official whether he belongs to the provincial service or to the subordinate service to retire if he has put in 25 years' service. Thus if you retire a Deputy Collector on full pension who gets Rs. 1,000 a month, you will be replacing him by a Deputy Collector on Rs. 200 a month and so on. In this way we will be cutting down the pension that we will give to that officer, because the pension is calculated on the average of last three years' emoluments and the more that officer drags on in service the more is his average three years' emoluments. In this way the amount of pension will also be lowered. I think that a person who has spent the best of his life for 25 years ought to be satisfied and must seek fresh fields and pastures new for his activities. If he retires in full health he will be able to take up other jobs profitably and add to his income. He should not be allowed to stick like a leech to his post after he has put in 25 years' hard work. For this reason I think that this point should be taken into consideration by the Government.

One other point I have to make out. There are many sections in the Agriculture department which ought to be abolished. For instance, we do not certainly want the Entomological department, which I think is meant for killing flies. You cannot kill the flies of the world, you cannot improve the health of the people by killing flies. I should also abolish the Zoological department, the Geological department, the Gardening department and the Research department. I think if we are to fight this demon of financial crisis we have to wipe away with one stroke of pen all these unnecessary departments. We should not be conservative about it, we should not feel shy of sending away so many men adrift in the world. If we do not do so collapse is near at hand and any estimate of the future curtailment in expenditure and meeting this huge deficit of 3 crores will certainly be a failure. We have not forgotten the history of our disappointments in connexion with our anticipations for making up our deficit and I think we should not repeat that experiment again. What we want to do we should do at once and make our position secure and not depend on the off chance of bettering our condition within the next five years.

Rai Bahadur Babu Vikramajit Singh: It is a matter of deep gratification to me that the present budget has been prepared and presented by the Hon'ble Mr. Blunt as the Finance Member. His tact, ability, skill and resourcefulness are undoubted, and along with these qualifications we are glad to find that he possesses a large heart and a broad and sympathetic outlook. Considering the present difficult financial circumstances, it is very fortunate that he is at the head of these affairs and his wide experience and deep knowledge of the Finance department extending over thirteen years will be very useful for the province. I congratulate him on making a very candid statement about the financial position of the province and laying bare its finances for the consideration of the House. Sir, my belief is that if the finances of this province could be set right, the Hon'ble Mr. Blunt is the best person to do it and to put them in order. I will be failing in my duty if I were not to express my appreciation for the help and assistance given by Mr. Teyen and Mr. Bajpai in the Retrenchment Committee, of which I was a member, as they gave all possible assistance to the non-official members by placing every information at their disposal. And we are indebted also to the Finance department for supplying us with a summary of the acceptance or rejection of the retrenchment proposals. The historical survey of accounts that has been given is also a very valuable document and it gives us the necessary information to criticize the budget and to place our own proposals for the consideration of the House and of the Hon'ble the Finance Member.

With these preliminary remarks, I wish to deal with the budget on its merits. Now, Sir, the Hon'ble the Finance Member has told us that there will be a deficit of $2\frac{1}{2}$ crores at the end of the year 1932 and a deficit of 3 crores at the end of the year 1933. This is undoubtedly a very huge deficit and a very alarming position. He has also pointed out the remedies which he wishes to apply. I should like in the first instance to discuss and to see how this deficit has been arrived at. The Hon'ble the Finance Member in his speech has told us at page 3, which I will just read out. "It is vain to deny that past budgets have been too optimistic and past expenditure too heavy; the historical memorandum appended to the budget is there to refute anybody who attempts to deny it. But I do not propose to dwell either on past mistakes or past calamities. Dropping tears over spilt milk is an unprofitable task. It is better to see what can be done to mop it up." Now, Sir, if I examine a few figures of the past, it is in no carping spirit; it is really with the intention and with the object of drawing certain conclusions from those figures and placing them for the consideration of the House and more particularly for the consideration of the Hon'ble the Finance Member.

Now, Sir, the historical account tells us very clearly that the first cause of this deficit is the unjust Meston award, under which the Provinces had to contribute something like 2,40 lakhs a year to the Central Government. At page 4 of this historical account we find that a sum of 12,94 lakhs had to be paid by this Province under this unjust award. It is true that if this money had not been paid by these provinces in spite of the heavy expenditure, our budget would not have been in the present position, but we would have been able

to balance it. This after all is a matter of history, and we have next to consider what other causes have led to the present position and whether those causes could be remedied. It would be found, Sir, that from the year 1927-28 this contribution was remitted and the Provinces could get the benefit of a sum of Rs. 2,40 lakhs yearly. This was remitted from that particular year. But from a consideration of the figures which are printed in these historical accounts, it will be found that the growth of expenditure after the remission of this contribution has been enormous. In the year 1920-21 the expenditure was 10,13 lakhs and before this contribution was remitted, i.e., in the year 1926-27, the expenditure went up to 11,97 lakhs. Now, Sir, we can very well understand that after the reforms the expenditure had to go up, but the figure ought not to be indefinite. It has to stop somewhere; and I think if the expenditure would have stopped at the figure which it had reached in the year 1926-27, viz., from a sum of 10,13 lakhs to a sum of 11,97 lakhs, then there would have been sufficient money to spend and the provinces would not have been in the present insolvent position. Between these six years the rise was of 1,84 lakhs. So that rise was quite sufficient, and I think the Government ought to have stopped their expenditure at the figure of 11,97 lakhs, which was reached in the year 1926-27. But after the remission of this contribution it appears to me that the Government were very jubilant and later on they went on spending more freely than even before the year 1926-27, with the result that in the next six years they spent something like 5,16 lakhs over and above the year 1926-27. I am not comparing it with the year 1920-21, because I fully realize that that will not be a proper comparison. We cannot stop our expenditure at the year 1920-21. That was only 10,11 lakhs, but we can certainly take the figure and take our stand on the year 1926-27 and there the figure was 11,97 lakhs. If the contribution had not been remitted, I am sure the expenditure would not have gone up by leaps and bounds after the year 1926-27.

But on account of the remission of this contribution the expenditure has gone up unnecessarily, and in order to illustrate my point fully I will just give one or two instances showing how the figure has gone up so considerably. For instance, let us take up the chart given at page 26, table I, of the historical account. The expenditure under Land Revenue was 67,63,000 in the year 1920-21. In the next six years before this contribution was remitted the expenditure went up by 65 lakhs more. Now, Sir, if you look at the expenditure of the next six years, i.e., 1927-28 to 1932-33 you will find that a sum of 128 lakhs have been spent over and above this figure. That means that on one item alone during 12 years the Government have spent 193 lakhs over the figure of 1920-21 and 128 lakhs over the figure of 1926-27. I consider this rise of 128 lakhs during six years under one head as very unnecessary and I may go so far as to say—wasteful expenditure, because after all land revenue expenditure is not of that class which can be raised to such a large extent. Every one knows that the power of land to yield is stationary and in some respects it has deteriorated also. From the land revenue itself it will be seen that the income is not increasing; it is, in fact, deteriorating. Therefore there could be no justification for spending such a large sum of money as 128 lakhs after the remission of the

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contribution during six years under one head of Land Revenue alone. It might be said that increase in expenditure has occurred under certain other heads too, viz., Education and other transferred departments. I find that during the last six years increase in expenditure under Education is 43 lakhs and I do not at all grudge this increase under Education. I think that if there is any department in which expenditure is rightly incurred and properly looked after, it is the Education department and it is really doing much good to the province by spending a little more money on education, but I certainly do not appreciate large increases in expenditure under other heads, where it is not made for any good to the province, but merely for other various reasons. So that my submission is that after the remission of the contribution the Government was very liberal in its expenditure and it was not controlled to the extent to which it ought to have been. The result is that the province has been placed in financial difficulty and trouble. Otherwise during the last six years on account of this remission, which is a large figure of Rs. 1,440 lakhs, the province would have been in a good and solvent position. It would appear that while this fourteen crores forty lakhs at the rate of two crores forty lakhs a year which has been remitted has all been spent, we are still going to the bad to the extent of three crores of rupees at the end of the year 1932-33. It would be very difficult to call this as a sound financial control. My object in bringing this point before the House is that the Hon'ble the Finance Member and his able Secretaries will be able to see the rise in the expenditure in this particular way on various heads and would try in the future to bring down the expenditure to the extent that it should not go beyond income. It will be seen that even with regard to the budget of the present year the figure that I had given is somewhat liberal because according to the budget of the present year the net revenue is 11 crores 74 lakhs, while I suggested that they could keep their expenditure up to the figure of 1926-27 which is 11 crores 97 lakhs. In that way they will certainly be to the bad to the extent of 23 lakhs, but with their other economies and retrenchments that would be attained. Therefore my suggestion is that the Government should be able to control its finances and to control its expenditure in such a manner that it will not go beyond the revenue, viz., 11 crores 74 lakhs. It is a very bad job to spend more money than one can possibly earn, and consequently there could be no justification on the part of the Government to prepare a budget and to keep its expenditure over and above the income.

I might give a few instances of excessive or unnecessary expenditure and might point out to Government that this unnecessary expenditure could have been avoided and in any case steps might be taken to avoid this unnecessary and excessive expenditure in the future. I may here point out, Sir, that under the decision of the Lee Commission a sum of thirteen lakhs yearly was spent and this has been done from the year 1924 so that during the last eight years a sum of something like one crore four lakhs has been spent under the recommendations of the Lee Commission. Now if these recommendations had not been given effect to and

if this money had not been spent, I do not think that the services would have been in any way starved or famished. Considering the financial position of the province, considering the difficulties in which the finances are, I think one should not be liberal with the services. If the finances were or the province were in an affluent condition, I will not mind it, but considering that for the last twelve years firstly on account of the unjust Meston award the finances were in a poor condition and every year there used to be a deficit so much so that the Government had to resort to fresh taxation for some time and subsequently on account of the rise of expenditure in other directions there has again been this difficulty and latterly on account of agricultural troubles and on account of large remissions the Government is reduced to the present condition, I think, Sir, that this giving away of thirteen lakhs yearly according to the decision of the Lee Commission was not a fair decision at all. If it had not been done, the services would not have suffered and the province certainly would have saved a sum of Rs. 1,04,00,000, which would have been very handy. I may also be permitted to point out that even in the transferred departments there has been in various directions excessive expenditure. For instance, in the Agriculture department there has been an unnecessary and excessive expenditure on experimental and demonstration farms, and with regard to these I am glad to find that more attention is now being paid to reducing the expenditure on experimental and demonstration farms, and I hope that all unnecessary expenditure would be curtailed and abolished under this head. It does not matter whether expenditure is incurred under the reserved department or under the transferred department, it is the duty of the Government to control expenditure in any case whatsoever. In the same way, Sir, we find that there has been excessive expenditure on the Sir Harcourt Butler Technological Institute. We all want that the Institute should be maintained and should be continued. All that we do want is that there should be no wasteful or excessive or unnecessary expenditure in running the Institute. Then I might further be permitted to say that there has been unprofitable expenditure on research officers in the Agriculture department and my honourable friend Khan Bahadur Maulvi Fasih-ud-din has pointed out his criticisms in this direction. I fully agree that there has been a lot of waste on these research officers of the Agriculture department who have not been able to produce any good or tangible result although they have worked for a number of years in this department. I am very glad to see that particular attention is being paid now by the Hon'ble Minister in charge of this department and the Director of Agriculture to bring down the expenditure under this head, and I hope, they will be able to take strong action in order to curtail the expenditure and to produce better results. If there is any research officer who has not been a success or if there are no chances of his proving a success, it would be much better to shut down that particular research work rather than to waste money of the tax-payer year after year in maintaining an officer who has proved to be of no real use or service to the province. I may also be permitted to say that there has been a multiplication of higher posts, for instance, deputy directors in the Agriculture department, and I would ask the Hon'ble the Minister for Agriculture to look into that matter and to

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see whether a smaller number of deputy directors will not be able to cope with the work. It is no use multiplying higher offices because the work is really done by people who are lower paid and a certain amount of supervision is needed. But there ought not to be too much of supervision and less of work. On the reserved side I may be permitted to say that I would draw the attention of the Government to the increased expenditure under the head Police. Of course my honourable friend, the Inspector-General of Police, shakes his head and will not be satisfied if the expenditure is reduced. But with regard to his department we find that at least two economy committees, one which sat in the year 1923 and another retrenchment committee which sat in the year 1931, recommended the abolition of the post of Deputy Inspector-General of Police. I am sorry to find that that recommendation of the Retrenchment Committee has not been accepted. I also further consider that the creation of a Chief Court in Oudh was a mistake. The work used to be done by two Judicial Commissioners or at the outside three and it was thought fit to create a Chief Court with five judges, and it is a matter of common knowledge that there is not work enough for five judges. We do not wish in any way to deprive the people of Oudh of speedy and ready justice and I think Sir if the province of Oudh had been put under the Allahabad High Court and a bench of the Allahabad High Court, if necessary, had to sit in Oudh for the dispensation of justice, it would have been cheaper and it would have been much better in every possible way and the people of Oudh would have had no cause to grumble. We would have avoided duplication of certain posts, we would have curtailed expenditure on the number of judges whose posts it was not necessary to create, and I submit that the people of Oudh would have got a High Court instead of a Chief Court and they ought to have been quite pleased with it. And in the same way the expenditure would have been reduced. We do not wish to deprive them of any benefit or advantage which they had enjoyed or which they are enjoying now. All we want is that unnecessary expenditure ought to be avoided by the multiplication of two High Courts when one would have been sufficient and I submit that under the Government of India Act it would have been in the power of the Governor in Council to extend the jurisdiction of the Allahabad High Court to Oudh and in that case there would have been absolutely no difficulty of putting Oudh under the Allahabad High Court. I think, Sir, it is a matter which even now could be considered. I mean in no way any disrespect to the sentiments or feelings of the people of Oudh. I want only to tell them that it would have been even more profitable to them because after all it cannot be said that the Allahabad High Court does not enjoy the great confidence of the people of the whole of the province. I submit it commands and has always commanded very great respect of all the members of the Bar and litigants of the whole province and they would have got the advantage of their cases being heard by a High Court in place of the old Judicial Commissioners or the present Chief Court. Therefore, this is a matter which is worth the consideration of the Government from the point of view of economy. I am further, Sir, sorry to say that the Government have not been in a position to agree to the abolition of certain high posts in the past. In the year

1923 the economy committee sat to consider the case of commissioners and recommended that the posts of commissioners should be either abolished or reduced. And in the same way the posts of deputy chief engineers and superintending engineers in the Irrigation department and the Public Works department were recommended for abolition, but unfortunately those recommendations were not accepted at that time. I am glad, however, to find that those recommendations are now said to be under discussion with the higher authorities and reading between the lines I can say that the Government has probably agreed with the recommendations of the retrenchment committee and they are now taking steps with the higher authorities to abolish or to reduce some of these posts. I think if this action had been taken earlier we would have been in a much better position.

Then, Sir, taking a practical view of this matter I would say that it is only the Government which can make economies and retrenchments in the expenditure and administration of the province. Members of Council may make recommendations, may put forward their proposals and may some times even carry their proposals in the House, but unless Government is inclined to do it I do not think any useful purpose will be served by these things. As will be seen, the results of the recommendations of the economy committee of 1923 were not so tangible as they should have been. It is stated at page 3, paragraph 11 of this Historical Account—this is what happened to the recommendations of the economy committee of 1923—"Substantial reductions were made in the budget of 1923-24; whilst in March 1923 Government appointed an economy committee with a non-official majority. They made numerous recommendations, most of which were accepted. The results in both cases were appreciable though it is impossible to state them in figures; for as time passed individual economies have been overlaid and obscured by other factors." Now, Sir, I think that the recommendations of the economy committee which the Government accepted were really nominal, because they are not in a position to state them in figures. What was the effect of those economies? We can very safely draw the conclusion that the recommendations which were accepted did not bring about any real retrenchment in expenditure. They were only small sums here and there which were obscured by future expenditure. Consequently I am more and more of the opinion that it is really the Government who can make economies and retrenchment if they choose to do so. I am, however, very glad to find that the present Government is inclined to make economies and reductions in expenditure and I congratulate them on their achievement in having retrenched the expenditure to the tune of Rs. 1,44 lakhs in two years, as has been shown by the figures given. That comes to Rs. 77 lakhs yearly. But what I fail to appreciate is that they want to have this retrenchment in expenditure only for these two years, and after that the Hon'ble the Finance Member has given his scheme in his statement which, I submit, with due deference to him, would not meet the needs of the situation. At page 5 of his statement he has stated:—"I have endeavoured to calculate roughly the pace at which this ultimate saving will accrue. By the end of 1932-33 the figures will be Rs. 1,44 lakhs. In 1933-34, since the cut in pay disappears, we shall reap only a further Rs. 10 lakhs or so. In the next four years, however, reductions should suffice

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to bring the total figures to two crores. The balance of one crore, however, should accrue very rapidly after that period." So that, according to his calculation, it will take a number of years before this deficit of three crores could be wiped out. I do not think it will be very safe to adopt this course. If the retrenchments that have been effected and other retrenchments that are coming in are all put in force and if they could be continued for another two years the whole deficit will be wiped out and the finances in future will be placed in a satisfactory condition.

I hope the Hon'ble the Finance Member will be pleased to give due consideration to the suggestion that if the retrenchments would be only 11 lakhs yearly after the year 1933 it will take a number of years before all this deficit could be wiped out, but if the present retrenchments could be continued—of course it will be a bit hard on the officers, but, looking into the present condition and the present circumstances of the country, I think that is the only possible course which can place the finances of the province in a solvent condition, otherwise I do not think that there is any expectation of the provinces improving if we after 1933 only content ourselves with the smaller retrenchments that have been recommended. Sir, I will just say only a few words more and bring my speech to termination. The Hon'ble the Finance Member has recommended certain additional taxation. As a member of the retrenchment committee it will be my duty to support it if the Government fulfil their obligations as laid down in the Committee's Report. The Government, however, have to consider certain other matters in connexion with fresh taxation. The Government might have seen resolutions of all the bar associations in the province that they have been opposing very strenuously this fresh taxation with regard to court-fees and stamp duty and considering the present depression, I mean in trade, it would appear that every profession, and specially the profession of law, is very hard hit. A few men who are on the top may not feel the pinch, but the junior members of the profession are almost briefless and this is a matter of common knowledge. Then with regard to this fresh taxation I may also be permitted to say that the Hon'ble the Finance Member has said that it will yield something like 30 lakhs of rupees a year, but from the previous history of the case when this taxation was imposed on a former occasion you would find from the account given in the historical survey that it yielded only 22 lakhs, so that I am at a loss to understand how on the present occasion it will give something like 30 lakhs when on the former occasion it yielded only 22 lakhs. . . .

The Hon'ble the Finance Member: With two taxes more, Sir.

Rai Bahadur Babu Vikramajit Singh: If I remember aright on the former occasion we had three taxes, the court-fees, the stamp duty and the Motor Vehicles Act and on the present occasion the only further taxation would be under registration. I might also be permitted to bring to the notice of the Hon'ble the Finance Member and the House that so far as the court-fees are concerned as special concessions have to be made to the agriculturist and as certain cases up to a certain amount will have to be exempted entirely I do not

think that it will bring the money which it is intended to bring. I may also be permitted to say that considering that litigation is going down (that will be another factor to be considered), the money which they think it will bring will not come in. The chief thing which appears to me to be possible in order to put the finances in a proper condition is really to go on with the retrenchments and economies which the Government have done during these two years and to continue them for some time more and to supervise the expenditure to an extent that it should not go beyond the income of the province. That is the only way in which the finances can be put on a sound footing, and if the Government strictly and strongly supervises the expenditure of every department which, I think, they are in a position to do and which I find they are doing at present, I think the finances will be put in a good condition. I also find that the Government have revised the scale of pay for future entrants, and this is all to the good. I do hope that the scales of pay for all services have been revised, so that in the years to come there may be substantial savings on this score . . .

The Hon'ble the Finance Member : The scales of pay for all the services have been revised.

Rai Bahadur Babu Vikramajit Singh : In conclusion, I should like to submit that in present financial difficulties it is necessary to run the administration as cheaply as possible. Government will find that there are only three principal sources of income, namely, land revenue, excise and forests. Income from all these sources is now at a decline, and it is possible that it may go down still further in respect of land revenue and excise. Consequently, as the income cannot be improved, it is necessary that the expenditure should be curtailed, and here the Hon'ble Mr. Blunt has himself stated that expenditure is a matter of knowledge. Therefore, wherever possible, we ought to take steps to curtail the expenditure. Where, of course, we have to depend on other factors, we can but wait and see. It is now an undoubted fact that our expenditure has been going up and up every year, and it is time that it came down. If it does not come down, I am afraid there will be difficulties. With regard to income, the Hon'ble the Finance Member has said that it is a question of faith. We all wish that our income may improve, but under existing circumstances it is very difficult indeed, and consequently in order to balance the budget and in order to place our finances in a solvent condition it is necessary to curtail our expenditure. I have no doubt that during the tenure of his office the Hon'ble the Finance Member will see that the finances of these provinces are placed on a sound foundation.

Mr. Ram Bahadur Saksena : I wish it were possible for me to offer congratulations to the Hon'ble the Finance Member and to his colleagues in the Finance department. But to congratulate them on presenting a budget with a huge deficit of three crores would be an act of sheer mockery. At all events I do not wish to deprive them of their customary congratulations, and would congratulate the Hon'ble the Finance Member, but for an altogether different cause. At the time of the general discussion of the last budget the present Finance Member, Mr. Blunt, said :—

“I think that for many members of the House this is their first budget sessions. It is my twelfth and as by this time next year there

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may be no non-official bloc, it is also possibly my last." At the conclusion of his speech on that occasion he said :—"Like the toothless old hag in the story about the Irish Parliament I shall be grinning down on you from the galleries."

I am sorry that the hope expressed by him did not materialize, that is to say, the official bloc is in its old place still. I am glad, however, to find the Hon'ble the Finance Member not "grinning down" on us "from the galleries", but on the contrary sitting in this very House, in a more elevated position of the Finance Member and for this I congratulate him most heartily.

Sir, never before in the history of the reformed Councils were we required to face a more precarious financial situation. We had almost been accustomed to a minus opening balance, to fall back upon the reserve of the famine insurance fund, but this also never prepared us for a huge deficit of three crores. The situation is really very alarming, more so because of the promise that has been held out from time to time that we will have provincial autonomy very soon. We were told only last year that by the time this budget came to be discussed, there will be no official bloc. Although that hope has not materialized, still the hope is not altogether futile, and I believe it is not hoping against hope to expect that it will come to materialize very soon. In that case, are we to leave a legacy of debt to our future government? Are we to leave the finances in this crippled condition for the future popular government? Are we to make them suffer for the sins of our commissions and omissions? These are the questions which are to be very seriously considered. Let us now see if it is possible to make up this heavy deficit. There are only two ways. One of them is retrenchment and the other additional taxation. According to the Hon'ble the Finance Member "the principal and immediate cause, which has brought about this heavy deficit, is a series of calamities which could neither have been foreseen nor prevented". It is to be seriously doubted if this is the only cause which has brought about this heavy deficit. I may readily confess that this is one of the causes that played an important part in creating an effect on our finances, but I venture to say that that in itself could not have brought about this unprecedented calamity on the provincial exchequer. If we had a reserve of strength, if the finances were not dissipated on the top heavy administration, this cause would not have been sufficient in itself to bring about this state of bankruptcy.

To come back to retrenchment we find from the statement of the Hon'ble the Finance Member supplied to us with the budget that they have done whatever was possible in that respect and that there are still certain other retrenchments under consideration. I want to make it clear at once that retrenchments though substantial are by no means satisfactory. The retrenchment committee was set up for the one purpose of examining the finances and reporting where retrenchments could be effected. That committee submitted a report. It is really very disappointing to find that the recommendations of that committee have not been fully carried out. I do not mean to suggest for one single minute that the Government have not

carried out retrenchments. They have done that. But my point is that it is not on the basis of the Retrenchment Committee's recommendations that retrenchments have been carried out, but the Government have had their own way. For example, the most important item recommended by the retrenchment committee was the cut in salaries. The majority of the committee recommended the following sliding scales of cut in salaries :—

- (1) 10 per cent. on a monthly salary of Rs. 1,000 or less, and
- (2) 15 per cent. on a monthly salary exceeding Rs. 10,000. Now when the retrenchment committee's report was being discussed in this House the Council resolved that the cut in salary should not apply to any official who was drawing Rs. 50 per mensem or less. The Government have, however, sanctioned a flat rate of 10 per cent. cut in salaries. Snatching away one-tenth of the salary of those who get a mere pittance for their subsistence is to starve them. The retrenchment committee also made it absolutely clear in their report that if their "proposals" were "not accepted, they would not conscientiously be a party to a proposal which would inflict a greater hardship on the lower paid servants than on the higher ones". What we find, however, is that in spite of the recommendations of the retrenchment committee and in spite of the recommendation of this House the Government have sanctioned cuts in salaries of all the government servants drawing a salary of Rs. 25 per mensem or more. Besides this one more injustice has been done to these low paid officials. It is that the cut in their salaries was applied from December last, if I mistake not, while the cut in the salaries of highly paid officers is to apply from April 1, 1932.

The Hon'ble the Finance Member : Sir, the pay of everybody has been cut from the same date.

Mr. Ram Bahadur Saksena : I am sorry, I withdraw the statement.

As regards other recommendations of the retrenchment committee, I may say that whenever the recommendations related to the low paid staff they were without doubt accepted willingly; but when the question of reduction of higher posts came there was always one pretence or other to defer it. For instance, the recommendation to abolish the post of the deputy inspector-general of Police was not accepted. The posts of inspectors of registration "will be abolished as vacancies occur". I see absolutely no reason why should you wait for vacancies in the case of inspectors of registration when you turn out a clerk who is getting a mere pittance immediately. The post of electrical inspector was not abolished "because of the recommendation of the Council". I simply wonder why the Government should develop a keen sense of respect for the recommendation of this House when it relates to the abolition of the post of a high paid officer. Why the same respect was not shown to the resolution of this House which recommended that no cut should apply in the case of those government servants who are drawing a salary of Rs. 50 per mensem or less ?

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The statement showing what recommendations of the Retrenchment Committee were accepted by the Government, therefore, affords us a very poor consolation. One thing more is to be seen in this connexion and it is, whether the Government have carried out retrenchment—satisfactory or unsatisfactory—in response to the almost unanimous wish of the House or they have only made a virtue of an indispensable necessity. To examine this question I may be permitted to trace the history of the question. The Council was then adjourned for lunch at 1 p.m.

After the recess the House re-assembled at 2 p.m. with the Deputy President in the Chair.

Mr. Ram Bahadur Saksena: Since the time of this reformed Council we have been crying at the top of our voice for retrenchment. But as I said in my speech at the general discussion of the last budget, our cry proved to be merely a cry in the wilderness. In 1923-24 there was a threatened crisis. A Retrenchment Committee was brought into being, but that proved to be a still-born child. No sooner than it came out of the press, it was consigned to the archives of the Secretariat where it served no more useful purpose than to provide food for the white ants. Some additional, but temporary taxes, such as the enhancement of court-fees and stamp duty were sanctioned, and that averted the crisis; but nature was determined to convince the Government of the absolute necessity of making drastic retrenchments. In the very beginning of the current year there were unmistakable signs of another crisis. We non-officials made it perfectly clear in our speeches during the general discussion of the budget that the estimates of income were unnecessarily optimistic. I, as a matter of fact, went the length of saying clearly that the budget which appeared to be a surplus budget then was in fact a deficit budget if reasonable estimates of various heads of income were substituted for the exaggerated ones. Our warning then went unheeded. But as I said before, nature was determined to convince the Government of the absolute necessity of effecting retrenchment. There came the world-wide depression and unprecedented slump in prices. The income under various heads fell considerably and it became almost impossible for the Government to make the two ends meet. It is then and then alone that they again agreed to form a Retrenchment Committee. There were again the proposals for additional taxation, but this time they were thrown out by this Council, and rightly so. We said clearly that we could not agree to any additional taxation unless and until we were convinced that satisfactory retrenchments in expenditure have been made. But for this we would have again been burdened with additional taxes and there would have been no retrenchment. At any rate, Sir, the retrenchments that have been made, hit the poorer class of Government servants harder than the higher paid officers. This reminds me of a story. There was a family consisting of a husband and wife, a son and a servant, and there arose the necessity of making retrenchments in their expenses. When the question came up before the family, the husband said "look here, my car is the only means of conveying me to my office; you certainly cannot retrench that." The

whole of the family agreed at once. The wife said "you promised at the time of my marriage that you will give me one ornament every year. Surely, you cannot break that promise on account of the so-called necessity for economy". The whole family agreed to that also. Then came the turn of the son. The son said "you know that I have a craze for riding and you certainly cannot deprive me of my riding pony." Sir, this too was an invincible argument and they could not, but agree to that also. Then came the turn of the poor servant. The servant used to get a slice of fish for his food from the family meals every day. They all agreed that the servant should not have that slice, he should have only *dal* and *chapati* and so they retrenched that item. This is exactly what the Government have done in the matter of retrenchments.

Sir, we are told that the retrenchments which have been effected or which will be effected during the course of the year will bring about a saving of 135 lakhs. That is very good. I just ask you if you can carry on with your Government without this 135 lakhs now, why should it not have been possible for you to carry on the Government without this 135 lakhs before. If you had cried halt to your course of extravagance in proper time, if what you are doing now by way of economy was done a decade ago, surely we would have been in altogether different circumstances today.

Coming to the taxes, I will just say one word, and it is this that the Hon'ble the Finance Member has admitted in his budget statement that the tenant has no money to pay and that the zamindars have also very little to spare. The new taxation proposals consist mainly of the enhancement of stamp duty and court fees. As has been said previously, these two taxes will primarily touch the pockets of the zamindars and the tenants. If, as has been admitted by the Government, the zamindars and the tenants have no money to pay their existing dues, I cannot really see whence will they bring money to meet the burden of this additional taxation. To demand any money from the tenants and petty zamindars is to attempt to squeeze water out of stone.

There being a deficit—a huge deficit—in the Budget, it would be futile to touch the expenditure in various departments; but I would want to make one observation regarding education. It is this that girls' education is not receiving its proper share of attention from the Government. I consulted the census report of 1921, the recent census report is not available. From that I found that there are three girls for every four boys from the age of 5 to 20. The difference in the percentage of literacy amongst the boys and the girls is very striking. We have only one girl to every 8 boys who is literate from the age of 5 to 20. If we analyse the expenditure on the education of boys and girls' we find that the expenditure on the girls' education is one-ninth of that on the education of boys. I would suggest that more money should be allotted for the education of girls than it is at present.

Khan Bahadur Hafiz Hidayat Husain: In the discussion of this budget, dry as bone, I propose to confine myself to the four corners of its figures side, without diverting on the details of the various administrative department, so that honourable members of the House

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may have an opportunity of having their say on the various aspects of this document. I appreciate the recognition of the help given in preparation of this budget by Mr. Lane and Mr. Teyen, we all know the worth of these officers, the encyclopaedic knowledge of the minutiae of administration Mr. Teyen possesses. I wish Mr. Teyen's services would be available when provincial autonomy comes in. I am sure he will prove an asset of inestimable value to the new administration. Sir, no words of appreciation that I can speak can discharge the obligations which the administration of this province owes to Mr. Blunt, the Finance department is another name for Mr. Blunt and when I say this I only mean that an explanation is due to this House from him regarding the manner in which finances in the second instalment of Reforms have been administered.

For to me, Sir, it looks that when these provinces begin to administer themselves, when the bureaucratic element has been removed, what would be handed over to the non-official side would be a heritage of bankruptcy and insolvency, and it would take years and years to bring about that financial equilibrium which ought to be the aim and object of every sound administration to achieve.

Now, Sir, this is Mr. Blunt's 13th budget—a very inauspicious figure—and I trust that when he winds up the debate he will be in a position to explain the various causes of this unsatisfactory state of finances and how could the finances be retrieved. To an uninitiated mind like myself it looks that we have been spending far too much. In fact, we have been living beyond our means. The Meston Committee imposed a contribution of 240 lakhs on these provinces and even in the very first year of my entry in Council—it was in 1924—I made a very strong protest against that iniquity under which this province was suffering. It looked like fleecing this province in order that other provinces might profit. But, Sir, the fact was there that the contribution was imposed. The whole point was whether our Government took into consideration the spending power which remained in the provincial finances after the contribution had been paid. I will refer to the annexure to the budget the very first page of which will show that the Meston Committee calculated the normal income of the United Provinces under the Reforms at 1,190½ lakhs and its increased spending power at 397 lakhs. The Conference of financial representatives which took place in 1919 however, calculated the normal expenditure at 828½ lakhs, which gave an additional spending power of $(1,10½ - 828½ \text{ lakhs}) = 362 \text{ lakhs}$. The true increased spending power was, therefore, 35 lakhs lower than the figure given by the Meston Committee. Now the question is whether the Government appreciated this and confined itself to spending only as much as it could after the contribution had been paid. Sir, in 1929 and succeeding years I very humbly pressed upon the Government for the creation of a reserve fund. My submission was that if the Government had something in reserve every year, then we would be enabled to draw upon the reserve fund in lean years. The answer of Mr. Blunt then was that it was not desirable to have a reserve fund, as the spending power of the province would be reduced. My submission is that the manner of spending the provincial revenue has been such as to bring us now within a measurable distance of

financial ruin, due to impolicy, cumulative impolicy, not only financial but fiscal and economic as well.

Let us now turn to those causes which contributed and which the Government will rightly say have contributed to the condition of the finances in which we find ourselves to-day. Nobody in the world can forecast with any degree of accuracy the financial conditions of a country where everything depends on the agricultural outlook. True, in a country like India, this budget-making is nothing but a speculation, a gamble in rains. But has the present depression come to us without any previous warning. In January 1930, we were without any doubt entering on a stage where our financial policy had to be very carefully and scrupulously watched, but how did it show itself. Land revenue receipts of that year were budgeted at Rs. 7,34,23,900. There was a disregard of the signs of the times. Now the result of this lack of vision has been that while the total revenue receipts have fallen from Rs. 13,26,50,006 to Rs. 10,91,89,398, the revenue charges have decreased only from Rs. 12,44,92,081 to Rs. 12,03,34,819, that is to say, against a decrease of Rs. 2,34,60,608, in revenue receipts there was a reduction in revenue expenditure of only Rs. 41,57,262. The year 1930-31 closed with a deficit of Rs. 67,94,000. This has been met by a borrowing of sixty eight lakhs of rupees. Now 1931-32 will be a much more disastrous year. Total receipts in this year are Rs. 12,61,86,000; the expenditure including the debt heads is Rs. 14,53,99,000, so that the deficit will be Rs. 1,92,13,000. Now I ask, if our finances had been a little more discreetly managed, if what was humanly possible to foresee had been foreseen, would it not have been possible to give a better account of our finances to-day.

Now, Sir, when the finances at this low ebb are transferred to the new Government what will the new Government be able to do? After all no Government can be run without finances. Advancement of all those subjects that are said to be nation-building departments depends entirely and mainly on good finances and if there are no finances, if the new Government has got nothing to fall back upon for purposes of fresh orientation of policy in these departments the new Government will be hampered in its work at the very threshold.

Not only that but under the financial conditions then existing, the new Government will incur increasing and recurring unpopularity which it would be impossible to retrieve. Are we not going to create that position? Is not the condition of our finance leading us to that direction. Permit me, Sir, to cite an instance or two of our calculated mismanagement. Let us take the development loan. The development loan was started as soon as the reforms came into operation in 1920. The loan was launched for certain objects. Those objects were, firstly the construction of the Sarda Canal and secondly the separation of the judicial and the executive. These were the undertakings given to the province for the new loan. We all know where we are as regards the separation of the executive from the judicial. Year after year since the reforms came in, resolutions were moved and accepted by the Government with an undertaking that a copy of the proceedings of the debate would be sent to the Secretary of State. But the position to-day is exactly the same what it was in

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the year 1922. The judiciary and the executive maintain exactly the same relations to-day as they did ten years ago. What is the reason? Is it not a fact that this development loan has been diverted to other object as well, and why? Simply because no right forecast was ever made of the probable expenditure and the probable revenue, and budget provisions in some cases were merely illusory. That is the main reason why we find ourselves in the position in which we are to-day.

I come now to the question of fresh taxation. Now, Sir, it cannot be said that the reformed councils have been lacking in any appreciation of their responsibilities in the matter. In the very first year 1922-23, additional taxation was imposed in the shape of amendments to Court Fees Act and the Stamp Act. In the year 1924 the Stamp Act was repeated. I submitted last year that we all in this Council realized our responsibility in the matter. We are not unprepared to shoulder fiscal responsibilities that lie on our heads. We are not unprepared to share the burden which should ordinarily lie when all other avenues besides taxation have been explored. but what is the condition to-day. It is true that over a crore of rupees has come out of retrenchment. It is also true that further efforts will now be made to retrench as far as possible so that further money may be available. But I ask, Sir, is it proper that there should be an additional burden on the taxpayer who is required to seek justice. Sir, on November 9, 1931, on the occasion of Lord Mayor's banquet in the Guildhall Lord Sankey, the Lord Chancellor, responding to the toast of judiciary of England said that these are the days of retrenchment. We want everybody to curtail his expenditure. And we also want that justice should be cheaply given. But we in this province are going to take steps in order that justice may be more costly. Is that the right way? Even now justice is very expensive to seek. Compare what is paid in British courts to lodge a claim of even thousands of pounds with our procedure. Here we have to pay *ad valorem*, with the result that the poor who have got even very legitimate claims cannot go to the courts simply because they cannot pay *ad valorem* and justice is thus denied to them. And after all what would this fresh taxation bring? The estimate is that all the four measures now proposed will not bring us more than thirty lakhs. The deficit is 69 lakhs. There still remains a deficit of nearly 40 lakhs. Therefore I ask whether it is worth while to incur unpopularity when by these measures even half of the deficits cannot be met. I hope, Sir, therefore that the Government will very seriously take this matter into consideration and will not hazard a step that might bring it further into disrepute. I do not propose, Sir, to enter into the details of the various departments because I expect that time will be found for me when those departments are under discussion. Here I content myself by making a very fervent appeal to the Government and joining my other friends in making that appeal that the *bona fides* of the Government will be judged by its serious and sustained efforts in reducing the expenditure more and more and restoring financial equilibrium so that when the province is handed over to the people it may

not be a bankrupt province and it may not be laid at the door of the present Government that it had conspired to prove to the world that the Indians, much to their shame, were unable to manage their own affairs.

Rao Bahadur Thakur Bikram Singh : Sir, like my other honourable member friends and in view of the usual course and customary routine and the tradition of this House, I should have taken the first opportunity of congratulating the Hon'ble the Finance Member. But instead of doing so at the outset of my speech I feel inclined to accuse the Hon'ble the Finance Member and it is that when I saw that he was gazetted to be the Finance Member and leader of the House I hastened to send him my warm congratulations. I may equally accuse myself if the fault was mine. But my regret was that I did not get an acknowledgement of my congratulations; or I may accuse myself that my letter never reached him.

The Hon'ble the Finance Member : May I intervene, Sir. I apologize for not answering. I do not remember having received a letter from the honourable member. I think the honourable member might remember that I was very ill at the time and I was not allowed to see many letters.

Rao Bahadur Thakur Bikram Singh : I have already said, Sir, that my letter may not have reached him. But I wish now, Sir, with your permission, to take this second opportunity when I am standing here to say that the Government could not have made a better choice than to appoint such an experienced and capable officer who is second to none in his financial ability in the province, and undoubtedly no one was better pleased than I and, in fact, this House. We are really grateful to Government for this, and I hope we shall be led by his valuable advice.

I for one most sincerely congratulate him for the pains he took, especially in such critical circumstances as are prevailing not only in our province but throughout the whole country, in preparing the Budget. Sir, we are passing through a most important as well as a critical period, in the history of India, and the future peace and prosperity of this country will mainly depend upon a careful handling of the Indian problem at the present day. But it must be borne in mind that most of the discontent that prevails in the country by the name of political agitation is economic unrest and the remedies that will prove effective to subside political agitation will not prove successful in allaying economic unrest. Sir, needless to say that India is predominantly an agricultural country and 90 per cent. of its population live in villages. In the present critical period the standard of living has gone up and the margin of saving has automatically gone down. The present system of taxation has further widened the gulf between the rich and poor. The rural classes have built up the army traditions at the sacrifice of their richest blood. The sufferings of these rural classes can only be felt or described by one who actually resides in the rural areas. Apart from this, Sir, during the past few months a regular agitation against the Government has commended, but it will have to be admitted that the rural population remained quiet and peaceful; the rural population has not lost its head and has not preferred to disturb the peace. By saying

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these few words in support of showing every sympathy to the rural classes for their welfare and prosperity I do hope and trust that Government will do all in its power to secure for the rural population their due.

Seventy per cent. of the population of the United Provinces resides in villages and I said 90 per cent. for the whole of India. When I stand here, Sir, to address you and the House I do not mean to show to the House that I can speak and take part in the deliberations but I do really stand to safeguard the interest which I am supposed to represent as a member of the rural population who have confidence in me and have returned me twice and my existence mainly depends on their confidence. I shall be failing in my duty I owe to my constituency as well as to Government if I do not bring to the notice of the House their real needs and their difficulties. I have just said, Sir, that India and specially our province is an agricultural province. The rural population is heavily involved to the figure of some 3 crores as was rightly pointed out by the first speaker, my honourable friend Babu Jagadeva Roy Sahib, this morning when he opened the debate. Zamindars, Sir, are residing in villages. There may be some residing in urban areas but the majority is residing in villages and they have of course got to feel and see that their influence is exercised in the right direction in checking all these undesirable acts, whether they may be on the part of any organized section or individuals. It is needless to say, Sir, that on account of the generous remissions zamindars are nearing bankruptcy and I am afraid—may God forbid—we may not see the day when we might declare ourselves helpless and totally bankrupt. We are very near to that stage. I hope Providence has got better days for us. Let us hope and pray that we may not be ruined on account of this economic unrest. The purchasing power has naturally gone down and equally the borrowing power. Most of the zamindars to my knowledge have become fed-up and are tired of borrowing money and at times they do not even get money on loan at all. I would object to zamindars borrowing money for immoral purposes or for luxuries but the duty of the zamindars is to pay their Government revenue first. Believe me, Sir, that in some districts it has been felt that most of the zamindars really could not pay the Government revenue out of their collections and the result was naturally therefore that they had to go to moneylenders to ask for money in order to liquidate their revenue and canal demands. You are aware, Sir, that the rates of interest have gone so high that it is really impossible for the zamindars to pay anything towards the principal, what to say of the interest. I am not going, as I do not think it is advisable to go, into greater details in this respect as it is not only the zamindars but also the tenants with whom not only I but all of us are really sympathetic. He is not fit to call himself zamindar who does not share the troubles of his tenants or who does not listen to their troubles. True, the zamindar has a duty towards his tenants, but in these bad times he cannot do very much to help them financially. I leave it to the Hon'ble the Finance Member to devise some means by which Government could give some substantial relief to the zamindars and the tenants in the great

calamity which has overtaken them. This is of greatest importance that zamindars must be saved from paying high rates of interest which ruins them.

I now pass on to the rural needs of our province, and here I am afraid I shall have to repeat what I said in 1930 that Government should pay greater and greater attention to the requirements of the rural population. I do hope that in this matter the observations made by me and by other honourable members will not go unheeded. When we come to think of rural welfare work, medical relief takes the first place. This House is well aware of the fact that seventy per cent. of the population in these provinces resides in villages, and it should, therefore, be the first duty of every civilised government to provide medical relief to men living in the rural areas. Government should start wherever possible medical dispensaries and give grants-in-aid to Vaid and Hakims living in the rural areas. I know that Government recognize their duty already in the matter of medical relief to the rural population, but I think I shall be failing in my duty, in particular to my constituency, if on this occasion I did not give expression to their feeling that the local authorities in certain areas were reluctant to give effect to the declared policy of Government to provide such relief. This is certainly a matter of very great regret, and needs serious consideration of the House and the Government. It is not befitting the dignity of this House that its recommendations are not respected by the local authorities in certain places. Let me illustrate one point. At a time when the present Home Member was Chairman of the Aligarh district board, Government sent out a scheme for the establishment of dispensaries in the rural areas. It was stated that a district board could open as many dispensaries as it liked. Fortunately for us, Nawab Sir Muhammad Muzammil-ullah Khan, whose love for rural welfare work is well known, used his influence with the district authorities and got some four such dispensaries constructed according to the scheme of the Government. Sir, apart from this, I think the House will be glad to hear that three out of the four dispensaries in the rural area were opened in the district of Aligarh and were constructed within the time prescribed by the Government through the influence and the able chairmanship of the Nawab Sahib, and before he gave up the charge of the board they were probably completed and the next succeeding chairman of Aligarh took no less interest for the rural dispensaries. That was not in the last session of the local board but before that. He had the goodwill of the population and of the entire board, and naturally there was no difficulty in his way. But after the Nawab Sahib left the board, some dispensaries, in spite of the succeeding chairman's efforts and the desire of the entire board, which were to be opened were not opened. About opening dispensaries, Sir, I may say this that there can be no better charity than to provide medical relief either by individuals or by any established body or Government. If you can keep your nation healthy and strong, they can work still better. I am not quoting the Nawab Sahib's example with an exaggerated praise or with the intention of raising him in the eye of the public, but I am advocating the cause by showing that we have an example rather a living example fortunately before us to-day, when I am addressing the

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House, that his love for rural dispensaries is second to none, that his charitable deeds in the matter of education are also of no less value, I am sure, not only in the case of Aligarh but (I am not exaggerating if I say) for the whole of the province, according to his financial position. So Sir, I say that your own Home Member has a love and has advocated the cause of the rural upliftment. He took all the troubles on himself if he did not, let him deny, that he did not do his best for education and medical. He got some pucca buildings constructed for educating the children of the masses. I must say what happened after him in Aligarh. The district board of Aligarh last year had provided sufficient funds, rather necessary funds, for the opening and equipment of Pisawa dispensary, but the Civil Surgeon of Aligarh interfered in the decision of the board and said that the dispensary would not be opened and that the money allotted for the opening of a rural dispensary must be given to the Sadr hospital. The Civil Surgeon's love for the Sadr dispensary may be more, it is true, but he ought to have had some for rural dispensaries also, which were built at a cost of about one lakh of rupees and this particular dispensary consumed no less than about Rs. 23,000 (including a private generous donation of Rao Sheodhyan Singh Bahib) and it was a matter of two or three thousand now. I do not mean that more funds are not required for sadr dispensaries than for rural dispensaries, but then the rural dispensaries ought not to be overlooked in the manner done by the Civil Surgeon. I may also state here that when His Excellency Sir Malcolm Hailey visited Aligarh an address was presented to him by the District Board. In that address His Excellency was assured that they had got so many dispensaries in rural areas and that so many were going to be opened shortly for which funds had been provided. Such assurance given to an administrative head of the province, and whose love for rural is admittedly great, puts the board in a false position unless that promise is fulfilled. So I do not think that the Civil Surgeon was in any way justified in interfering with the decision of the board. I should have been very glad if the Hon'ble Minister in charge of Medical had been present here to hear my statement. It was really not befitting on the part of the Civil Surgeon to have interfered with the board's decision, and repeatedly objected to this dispensary being opened. Will it be fair that the sadr dispensaries should consume more money at the sacrifice of rural dispensaries? After all when I saw the Inspector-General last year he assured me he would look into this carefully and I must say he gave me a patient and sympathetic hearing.

Mr. P. Mason: Sir, may I explain? The Hon'ble Minister is suffering from fever to-day.

Rao Bahadur Thakur Bikram Singh: I hope he will read my remarks and do the needful. I am so sorry for his indisposition. However, as I said, I approached the Inspector-General of Civil Hospitals last year and he said that he was very sorry and admitted that it was not proper for the Civil Surgeon to interfere. I asked the Hon'ble Minister certain questions to say whether he really approved this action on the part of the Civil Surgeon and let me see

what the Government has to say in reply. But in spite of all this I must not blame the Civil Surgeon alone because he naturally wanted to have his dispensary run on more efficient lines and therefore he might have needed more money. It is quite true, but interference with a board, whichever it may be, is certainly not justified. The boards are expected to construct and run so many hospitals. Then let us see what the position is. We got Rs. 12,000 from the Government, the district board gave Rs. 6,000 and there was a generous donation of Rs. 5,000 from Rao Sheodhyan Singh Sahib. All this is lying at a standstill. The building is being spoiled.

The Hon'ble the Home Member: Is there no hospital? No doctor? I am sorry.

Rao Bahadur Thakur Bikram Singh: From your time it is at a standstill and there is persistent interference on the part of the Civil Surgeon. He has no right to do so and interfere in the budget affairs of the board.

The Deputy President: Perhaps it would be better if the honourable member went into such details when the Medical budget came up for discussion.

Rao Bahadur Thakur Bikram Singh: Sir, I bow to your ruling. But I may say one word with your permission. I am not blaming the Civil Surgeon for any personal reasons. He was perhaps anxious to get funds, but probably the Government refused. And if he may not have got funds he took the advantage of taking away from the board, perhaps under the impression that he could easily and from autocracy take away from the board and overrule its decision. I strongly urged more than once in this House that Sidr dispensaries must be taken away and put on the provincial budget. That is all that I am advocating.

Agriculture undoubtedly comes next. This department must have the co-operation of the Canal department which is at present out of question. Do you think that an ordinary cultivator is likely to understand the roster or the difficulties of the canal people? What he requires is ample water at the right time and for this he pays. I put a very simple question to the Hon'ble Minister in charge—and I wish the Director of Agriculture were also here—to answer the question and convince the House—how many times water is required for wheat before it ripens and is harvested? I ask the Government to make an impartial inquiry about Mat branch and find out whether sufficient water had been given throughout the length and breadth of this branch throughout the month of February which is so essential a period for watering and especially when we have had no winter rains. I have been getting complaints from my constituency that there is no water. I wrote to the Executive Engineer to look into the matter and his reply is that it is roster. An agriculturist wants water, he does not want a roster and if it is given to him he will refuse it. I strongly requested Sir George Lambert, when he was officiating as Governor, in a private interview to give an adequate supply in the Mat branch, he promised to look into the matter and probably made a note of it. I now ask the Hon'ble the Finance Member to look into this matter and see that justice is done, because by not giving water to the cultivator at the proper

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time you will yourself be creating discontent. If tenants have sufficient employment, I am sure they will refrain from going near to any movement, otherwise unemployment has its own consequences. They want to keep their crop alive and sufficiently fertile. I ask for an impartial inquiry to be made on the spot. I do not say that myself or any non-official member of this House may be a member of that enquiry committee. I ask my official friends to go and see for themselves and if they are convinced that there is no supply of water of course then remissions may be announced, in view of the considerable damage already done. Irrigation rates are necessarily high these days. I should not have said that if the condition of the country was normal, but looking at the present conditions it is intolerable for a tenant to pay such high rates. My friend Captain Nawab Jamshed Ali Khan also advocated the cause of the reduction of canal rates. He comes from Meerut, a district well-known for sugarcane industry and wheat industry, and when the cultivators of Meerut found it difficult to pay the present canal rates I do not think that people of other districts like Aligarh, Muttra, etc., could pay the same. I hope in this statement you, too, Sir, who fortunately come from Meerut, will bear me out that I am justified in saying so, and that I have made out a good case. I hope and sincerely trust that Government will do something to reduce the canal rates any how and take the good will of masses.

I would now come to education. No doubt education is one of the greatest duty of the Government in the province. I shall support at every moment and minute the Hon'ble Minister for Education and the Director of Public Instruction in getting as much funds and snatching as much amount possibly as they can from the Hon'ble the Finance Member. I have already congratulated the Hon'ble the Home Member for his sincere love for the uplift of rural masses, but I am not going to spare him for one word and am shortly going to accuse him for that. The Hon'ble the Home Member made a handsome donation to the Benares Hindu University the other day of Rs. 10,000 and that really needs the appreciation of this House and the spirit in which it was given is noteworthy. I hope the example of such generosity will be followed by all of us in the interest and love of education. Educational grants must liberally be given to the institutions of really backward classes, such as Jats, Rajputs, Ahirs, etc., who are martial races and have earned military distinctions throughout the Empire and perhaps are second to none in their spirit of loyalty and devotion to the Crown. They surely need higher education to come up to the standard of other educated castes and make up the gap of educational backwardness. Education alone can earn bread for them. Such institutions in the province deserve more true sympathy, as they happen to belong to the martial classes and their boys must be educated in schools and colleges of their own as well and not only on parade and on field. Here I must say that there are only two schools, of Jats in the Province, (Baraut and Lakhaoti) one has now fortunately become a College, the Intermediate Jat College, Lakhaoti, for which I as the Vice-President of the Executive Committee of that College owe a debt and deep sense of gratitude to Mr. Mackenzie who had done really very good work in bringing it up to the status of an Intermediate College. This is no doubt due to his real sincere

love for this Jat institution at Lakhauti. In recognition of the valuable services rendered by Mr. Mackenzie we decided to construct, 'Mackenzie Gate' which is nearing completion, to commemorate the name of such an efficient Director. I must also mention that the Mackenzie Gate is situated on a famous pilgrim route which goes to Garhmuktesar, and where millions of people go to bathe in the sacred Ganges. Mr. Mackenzie's name be always remembered by all the Jats and the "Jat community" who regard this "Intermediate Jat College, Lakhauti" as their sacred temple, and as such, Government must recognize its fair and just responsibility towards this College and its future prosperity. While I have sufficiently congratulated Mr. Mackenzie and can find no other words to congratulate him still more I must not spare him from the remainder that while he has made this institution an Intermediate College, yet the grants remain the same as they probably used to be when it was only a High School. He ought to do a good deal in this direction. The College badly needs a handsome non-recurring and recurring grant to keep it worthy of its name and that of Mr. Mackenzie. I remarked a little while ago that I was not going to spare the Hon'ble the Home Member and it is because he has not yet given his patronage to the Intermediate College, Lakhauti, and I leave it to Mr. Mackenzie and the generous donor, the Hon'ble the Home Member, who has shown his love for education throughout the province, to decide details between themselves, about this deserving county College. I should not discuss this point any further, but let me only lay stress on the necessity for doing things which would bring real prosperity and welfare to the people living in the rural areas, who deserve it. Let me assure you, Sir, that I do not mean that the gentlemen who represent urban areas should be ignored. I am equally anxious for their welfare and do not want to snatch anything out of their rights. Let them enjoy their rights. We want our own and we do want an adequate distribution of funds for the rural population.

The Hon'ble the Home Member : We supplied all the raw material.

Rao Bahadur Thakur Bikram Singh : Yes, undoubtedly, and we are still prepared to supply all the raw material.

Coming to local boards, I must say, Sir, that I have been on the district board of Aligarh for the last 17 years continually as a member and have got some experience of the running of the district board. But when outside influence or interference comes in, for example I gave one simple instance, it offends the members of the boards—not only offends, but upsets the whole arrangement of the board. It must necessarily be left to the sweet will of the Chairman of the Board, and if the Boards become bankrupt then, of course, I have nothing to say. Regarding the financial position of the Aligarh District Board I must congratulate Kunwar Lakshmi Raj Singh, the outgoing Chairman, who creditably and ably liquidated almost all the liabilities of the Board which amounted to about Rs. 1,35,000, and as one who proved worthy of administration, of a local body of Self-Government really deserves appreciation of the House and the Government. The Government is quite at liberty to go and check things, but in spite of this, I see no justification for any outside influence or

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interference with the board. The boards allot certain money for doing certain work and we have got to provide funds proportionately. I do not say that we should not give any money to the urban people. We give them. But looking from practical point of view, as of course I do, it will be recognized that such dispensaries deserve much help from the municipal boards, because they are generally situated within the area of the municipal boards. Nevertheless, we are not selfish and we do not mean that we should not give any substantial grants to the district hospitals at all. I hope on this point I shall not have an occasion to complain again before this House.

There is one thing more, Sir. I urged about this in 1930 as well as last year. I really see no justification whatever why district boards should be deprived of the taxes which they get from the lorries. Lorries ply on the district board roads causing considerable damage to them, and at the same time Government threatens to dissolve the board because its roads are bad. I really see no justification why lorry taxes should not be consumed by the local boards and be taken by the police. So far as provincial roads are concerned, I have got nothing to say. But it is just and fair that when you want district boards to maintain their roads properly, they should get the whole money of taxes on lorries. I see no reason why the money goes to the police, which has got nothing to do with the maintenance of roads. They merely register the number of motors and lorries. I hope the Hon'ble the Home Member will support me. The reason why I refer to him is that he had been a very successful chairman of his time at Aligarh, and he did all what could be expected of a chairman. During his time two new big roads were constructed and he has got practical experience of their construction. Towards the construction of which he contributed not less than a sum of about Rs. 20,000 and he knows the difficulties of maintaining district board roads. In this connexion I should like to know definitely the policy of the Government as to why this fund should not be transferred to the local boards.

Let me hope the Government will do its best to keep a cool atmosphere in the rural areas. Time is very critical. As I have just said there would no worse cruelty to a cultivator than that when he sows his crop you do not give him water for irrigating the crop at the proper time. It has not been so on the Mat branch, which runs throughout my constituency. I hope I will not be misunderstood that I am making any personal remarks against either the Chief Engineer, or Superintending Engineers or Executive Engineers. They are my personal friends and I have received their fullest co-operation as a member of the Council and also in my individual capacity. But their hands are tied up. The Mat branch gets its share from the distributing authorities. I have heard the other day from the Executive Engineer that there is no water in Mat branch. How on earth is it possible for him to provide water in the channels and other distributaries I must, however, mention that Mr. T. M. Lyle, C.I.E., Superintending Engineer, 3rd circle, and Mr. A. V. Gupta, Executive Engineer, are fully alive to the needs of agriculturists and they have my warm appreciation of their

services to their division. But I am afraid they cannot perhaps push water into the Mat branch from which the Executive Engineer could run the distributaries and here is the whole difficulty, which I hope the honourable member in charge will carefully and seriously look into.

The Deputy President : May I ask the honourable member to bring his remarks to a close.

Rao Bahadur Thakur Bikram Singh : Very well, Sir. I am only appealing with your permission, Sir. I would suggest that an enquiry is needed on the spot. It may be an official enquiry or non-official enquiry, but some substantial remedy is required to remove the grievance of the people of my constituency, otherwise there will be great discontent in that part of the country, and they will really feel that they were not getting sufficient water, which they will regard the refusal of justice to them. I have taken some unusually long time in addressing the House this afternoon and I hope I shall be pardoned by you and the House for that, but I may assure the House that I simply meant to discharge my duty in the interests of the rural population whom I represent. I stand here wholly as a rural man and must play my part as a *pukka gaonwala*.

Rai Sahib Lala Anand Sarup : As is customary in this House, first of all I have to congratulate the Hon'ble the Finance Member for presenting the budget for the year 1932-33 as well as Messrs. Teyen and Bajpai for preparing it with a historical account of the provincial finances from the time when the new reforms were put into force, i. e., 1920-21. The account is very interesting indeed. At the same time I am grieved to learn that there is a deficit of about three crores in the province. It is the duty of every individual member of this House to try to put the provincial finances on a sound basis, especially at a time when the Provincial Autonomy is being promised to us. It would be rather undesirable and hard if the province is handed over to the non-official charge with a huge deficit, which would certainly tell upon the honour of this House. My friend Nawab Jamshed Ali Khan has ably put the deplorable condition of the agriculturists before this House and I need not take the time of the House in that connexion. The zamindars are in a very bad plight as they cannot realize their rents from tenants while they in their turn have to pay land revenue to the Government in full. Warrants are being issued against them and hundreds of zamindars are being put in the tahsil *hawalat*. They are also unable to get any loans as they are almost bankrupt and the price of land has gone down tremendously. If the Bundelkhand Land Alienation Act is extended to western divisions, the price would go down still further. The remission of land revenue was not proportionate to the remission in rent and I do not see any justification for this when it is clearly laid down in section 73 of the Agra Tenancy Act that the remission in rent should be proportionate to the remission in land revenue. Then, Sir, the irrigation rates which have been reduced by Government are wholly inadequate. Reductions have been made from Rs. 5 to Rs. 4 per acre for the crops of wheat and barley only, but nothing has been reduced in the case of rice and sugar cane which are the chief crops. I do not see any justification for this,

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because the price of rice and sugar has also been affected by this economic depression and rents have also been reduced so far as these crops are concerned.

Then, Sir, there is great scope for retrenchment in the Irrigation department. One Chief Engineer is sufficient; the number of superintending engineers can be reduced; canal magistrates can easily be done away with by sending the cases to deputy magistrates and honorary magistrates; and this saving can be utilized in reducing the water-rates. The water-rates may be reduced and brought down to the level prevailing in the year 1920. I am glad to know that the Government are taking upon themselves the work of the realization of the canal water-rates which would relieve the zamindars to a great extent and which, as the Hon'ble the Finance Member thinks, would bring about Rs. 3,00,000 to the Government. Sir, as far as I am aware, the pace of retrenchment in all the departments is rather very slow. It is well over three months since the report of the Retrenchment Committee has been out, but to my great surprise I find that retrenchment of only thirteen lakhs of rupees has yet been effected on the committee's recommendations, although about eighty-two lakhs have been retrenched by the Government and its officers in the various departments. The economic situation is yet gloomy and will continue to be so for many years to come hence we cannot count much on the understanding that the deficit would be met in due course of time. What is essentially needed in the province is the curtailment in every department of the superfluous expenses which cost the province a good sum.

Sir, I find that in every department money is being spent without hesitation and there is plenty of scope for retrenchment. I have experience of the Cawnpore Agricultural College, the Harcourt Butler Technological Institute, Cawnpore, the Engineering College of Roorkee, and the Lucknow Medical College and here much saving can be made. If experimental farms and experimental plots that are run by the Agriculture department at a loss be handed over to the graduates of the Cawnpore Agricultural College on easy terms for making experiments under the guidance of the department, much money could be saved to the Government and the students would certainly like it. Similarly in the Medical College, Lucknow, honorary physicians and surgeons be engaged in place of the highly paid superior staff on lines similar to those in England and other advanced countries. Even in Calcutta and Bombay this system of honorary physicians and surgeons has been found to be very successful. This would not only save a good deal of money but also increase the efficiency of the college and the hospital since the honorary staff would put their life and soul for the good of the hospital and thereby their own benefit. For the rural areas proper medical relief should be arranged and I recommend that more small dispensaries be opened and the number of travelling dispensaries be increased.

About Education, I cannot say anything as the finances in the hands of the Government are limited, but I must say that girls' education should have equal share from the provincial finances and it should be extended to the fullest extent.

I am glad that a committee has been appointed and I hope Mrs. Srivastava, Chairwoman of this committee, would see that Anglo-Vernacular Schools are opened in every district very soon.

I am glad to find from the budget speech of the Hon'ble the Finance Member that the scheme of retiring those people who have completed 25 years' service is under contemplation and discussion. This should be pushed through quickly not only to economise financially but also to provide employment to so many of the brilliant youths of the province.

Sir, one more point worthy of note is that in the reserved departments, out of a total expenditure of 9.94 lakhs during the previous year, only 85½ lakhs have been retrenched, while in the transferred departments out of a total expenditure of 434 lakhs almost an equal sum of 84 lakhs has been retrenched. The fact that the transferred departments are more of a beneficial nature to the province needs no mention, yet the axe of retrenchment has fallen rather heavily on these subjects. The reserved subjects do not bring in any appreciable amount of benefit to the province and are not very rightly axed. The Hon'ble the Finance Member ought to have been just enough to cut down proportionately from all the departments and should have been impartial in this respect. I would urge upon him the need for further retrenchment in the reserved subjects.

Now, Sir, I come to the question of further taxation. The Hon'ble the Finance Member has very earnestly, though very unjustly, appealed to this House for additional taxation and has also supported the appeal with the recommendation of the retrenchment committee. But I may remind him that this recommendation of the retrenchment committee is only provisional. They say that when all the recommendations suggested by the committee have been accepted by the Government including the question of further cut in pay, in leave salary, home passage and the like and if even then a deficit remains, then only would they recommend further taxation, and since that has not been given complete effect to, that recommendation falls to the ground. Sir, since the economic depression has cast its gloom, the financial condition of the poor cultivators, zamindars, businessmen, clients, lawyers, doctors, etc., has much gone down. People have little money to go to the courts and get their cases decided and if this duty is to be increased, I think there would be no increment in the income but there will be a decrease. So I oppose the new taxation measures proposed by the Hon'ble the Finance Member till they are urgently needed and till the Government have employed means to economise expenditure by reducing the extravagant administrative expenses to the lowest. Before taking my seat I would appeal to the Hon'ble the Finance Member to have the budget so adjusted that there might be no need of taking a loan for the ordinary recurring expenses of the province.

Munshi Gajadhar Prasad: Sir, the budget as presented to this House was, to say the least of it, both dull and disappointing. All the same, the Hon'ble the Finance Member, whose ability, efficiency and thorough mastery of details are very well known, deserves our best congratulations for his sincere and arduous efforts to balance the budget, but I regret that even his Herculean attempts have not resulted in maintaining financial equilibrium. Now, Sir, to quote the

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exact words of the Hon'ble the Finance Member as given in the financial statement on page 7, where he says "The financial position of the province at the moment presents a depressing picture. The principal, and only immediate cause is a series of calamities which could neither have been foreseen nor prevented. Though we may hope for some measure of improvement, we cannot, and indeed dare not, reckon on it. We must calculate on the assumption that adjustment of means to ends will be a slow and painful process. We have already cut deep into our expenditure and propose to cut into it to the bone. Even that, however, will not suffice. And so having done whatever is possible in the way of retrenchment, I am compelled to ask the Council for further assistance in the shape of additional taxation."

This is really a very gloomy picture, but to be candid with ourselves we must admit that our sins, both of commission and omission, have weighed heavily on the Hon'ble the Finance Member, and if we find difficulty now in adjusting the budget the responsibility is equally ours. For years together somehow we have been very lavish in expenditure and I may be pardoned for quoting again the Hon'ble the Finance Member who says that "it is vain to deny that budgets have been too optimistic and past expenditure too heavy", and that appears to be one of the many causes of our present bankruptcy.

Now, Sir, I may be permitted to mention here that somehow sentiments rather than our actual needs have played an important part in the past in incurring fresh items of expenditure. If we go a little deep into the matter, instances one after the other would be forthcoming. It will perhaps be within the recollection of some members of this House that not long ago the real headquarters of Government used to be at Allahabad. But suddenly the Government realized that the climate of that place proved obnoxious and unwholesome and it decided upon shifting the headquarters to Lucknow and additional expenses in the nature of things had to be incurred consequent upon the change. Not only have the seats of the Legislature and the Government been removed but the Secretariat bit by bit is being removed to Lucknow.

Again, Sir, speaking of education, I would submit that the multiplication of universities is also responsible for a great drain upon our finances. I would really welcome the day when in this province every town could boast of a university, provided it can only afford it; but we must cut our coat according to our cloth. We have still to contend against illiteracy in the province, and it is the duty of the Government to carry the benefits of primary education to the doors of every individual. By this I do not mean to suggest for one moment that the doors of secondary education should be closed against such individuals as would like to avail themselves of it. Due provision should be made for imparting such education to them as would enable them to earn a livelihood. But I submit with great respect that it is a different matter when we come to higher post-graduate studies and research work. It is more in the fitness of things that they should be centralized at one particular place. That will be more conducive to the diffusion of higher knowledge and to the creation of suitable atmosphere beneficial to seekers of truth.

If this is true of education the principle applies with equal force to administration of justice. In this case, too, Sir, it would really be a golden Age if every village in this province can boast of the highest court of judiciary; but with our present bankruptcy the only solution of the problem seems to be to have only one highest judicial tribunal for the entire province. If other provinces like Bengal, Bihar and the Punjab could do with only one tribunal it is a sad commentary that a small province like ours should have two highest tribunals in the shape of the High Court and the Chief Court.

The Hon'ble the Home Member : Is our province too small ?

Munshi Gajadhar Prasad : It is certainly not as big as Bengal.

Coming as I do from Allahabad I fear I have to labour under certain disadvantages, and I may be misunderstood in this respect; but with all the force at my command I would say, "For God's sake throw aside all sentiment and have one highest court of justice for the whole province." Looking at it purely from the financial standpoint, if the Government come to the conclusion that it is cheaper to shift the High Court from Allahabad to Lucknow, by all means let them do it. If, on the other hand, Government decides that it is cheaper to shift the Chief Court from Lucknow to Allahabad, let them take a bold step and have it accomplished.

Shaikh Muhammad Habib-ullah : Why not transfer the Allahabad High Court from Allahabad to Lucknow ?

Munshi Gajadhar Prasad : Certainly, I have said that.

The Deputy President : The honourable member will have an opportunity of speaking, and it is not comfortable to the speaker to be disturbed.

Munshi Gajadhar Prasad : Well, Sir, Government have already removed to Lucknow, and poor Allahabad has to be content with its antiquities; from the financial standpoint if it is cheaper to shift the High Court to Lucknow let it be done. That is a matter for the financial experts to decide and I will leave the matter there.

While talking of the High Court and the Chief Court I am reminded of the large volume of arrears of cases pending in the High Court at Allahabad. On a rough calculation we find that the work in the High Court is at least thrice that of the Chief Court, if not more. If the number of cases pending in the Chief Court is compared with the number of cases already pending in the High Court and if we add to it the figures of arrears, we find that even with the maximum number of judges, i.e., 12, it is difficult to cope with the work pending in the High Court. If there are so many sentiments attached to the continuance of the Chief Court at Lucknow and if it is found necessary to maintain a highest tribunal here, then three judges of the High Court could sit here for the disposal of original cases and such cases of an urgent nature as had better be decided at Lucknow than elsewhere. There will be consequent reduction of expenditure on establishment and contingencies and the work that we have in the Chief Court could very well be disposed of by a bench of three judges of whom one may be a member of the I. C. S., another a member of the provincial judicial service and the third may be recruited from the bar. Three judges will be quite enough to cope

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with the work which we have at present in the Chief Court. I am reminded also of the retrenchment that has recently been effected in the High Court at Allahabad by the abolition of the post of the twelfth judge. The income derived from stamps and court-fees is, I believe, more than sufficient for the extra expenditure on the Judicial department. The tax-payer is naturally anxious for speedy justice, but when he finds that the volume of work is increasing and files are accumulating from day to day and that one judge has been removed and no one is going to be appointed in his place he heaves a sigh of disappointment. Justice delayed is certainly justice denied—that is an old maxim—and if the Government have come to the conclusion that on account of financial stringency another judge may not be appointed in place of the Hon'ble Mr. Justice Sen, who is going to retire shortly, I would respectfully request the Government to reconsider the matter. I do not know if the High Court was consulted with regard to the appointment in the vacancy created by the retirement of Mr. Justice Sen and what the recommendations of the High Court on the subject were, but I believe the Government would realize its duties to the poor tax-payer who is now likely to be required to pay still higher court-fees.

Now, Sir, some of the honourable members have drawn the attention of the House to the poor condition of the landowning classes and the difficulties they have experienced in the payment of the land revenue. They had to incur debts and their condition, generally speaking, is really distressing. In this connection I would submit that the court of wards should show more latitude and extend its helping hand, not only to some of the big estates but also to some of the smaller estates, because the provisions of the Court of Wards Act, broadly speaking, are very much similar to the provisions of the Insolvency Act. If the poor zamindars in spite of their best attempts fail to manage their own affairs properly and the banking class is out to realize money from them and does not take into account the very hard times in which the landowning classes may be living, I think it is the duty of the Government to kindly give them as much relief as the Government has been pleased to give to the tenants.

Now, there is another matter in connection with the court of wards to which I should like to draw the attention of this House. I am not aware if any administrative training is given to the wards under the court of wards in these provinces. By administrative training I mean training in the administration and management of estates after the wards have attained at least 18 years of age and after their estates have been released. I submit that it is very necessary that the wards should be capable enough to manage their own estates after these have been released by the court of wards. It is not enough to give the wards academic education or to employ private tutors for them for general education. In case the Government are not doing it already, I would ask them kindly to give suitable administrative training to the wards so that they may be able to manage their own affairs when they come of age.

Finally, I should like to draw the attention of the House to the working of the Industries department. It would be a great pity if with the industrial magnate like Mr. J. P. Srivastava as Minister of Industries, we failed to achieve successful results in this department. I do not know how many industries have been started in these provinces since the Industries department came into existence, what amount of expenditure has been incurred in this direction, and whether any new industrial enterprises are now under contemplation. With so many young men loitering about for want of work it would be an excellent idea if new industries were started in these provinces where occupation could be found for men whose energies might otherwise be diverted into undesirable channels.

With these words, Sir, I resume my seat.

Thakur Giriraj Singh: So far as I know never in the history of the United Provinces Legislative Council was such a gloomy picture of the financial situation drawn as was done by the Hon'ble the Finance Member on 20th February, 1932. It was stated that the present deficit was not the deficit of this year, but that it was the accumulated deficit since 1929. It has been shown by several honourable members that no steps whatever were taken by Government prior to 1931 to reduce their expenditure. There are only two ways by which we can bring about an equilibrium in the budget or by which we can balance the income and expenditure.—(a) reduction of expenditure and (b) increase of income. Sir, the Government think that they have got only one weapon to which they take recourse. It is the imposition of additional taxes. Taxes may be imposed only at that time when the people are in a flourishing condition and can pay the new tax. The Hon'ble the Finance Member has himself stated that the condition of the landlords and tenants of the province is such that they could not pay even their revenue or rent. When such is the case with the landowning class, then it is quite unjust on the part of Government to impose fresh taxation. Sir, those lawyers, who are outside, always complain about the paucity of cases. There was a talk between a salaried Government officer and a lawyer in the Benares district, and the lawyer told the salaried officer "I shall be very glad if the salary of Government servants is reduced by half. Then you and I shall be at par." Such is really the condition of the lawyers who are second rate lawyers. I am not talking of the top lawyers, but they too have been feeling the pinch on account of the paucity of work. I will also say to the House that the salary of Government servants in India has been much more than in any other country. Take the case of Britain. In Britain the highest salaries paid to minister and high officers do not generally exceed ten or twelve times the per capita national income, but in India, excluding the Viceroy, Governors, who draw magnificent salaries, Judges of High Courts, Commissioners of divisions and the heads of a number of departments draw salaries, the percentage of which is four to six hundred times per capita income. Yet there is a reluctance to make voluntary cuts in the salaries. They reluctantly gave their consent to the 10 per cent. cut. In the United Kingdom there has been a graded cut in salaries from 10 per cent. to 20 per cent.

The Hon'ble the Finance Member : How does the honourable member think that they were reluctant to pay the cut ?

Thakur Giriraj Singh : Some of the officers gave their consent themselves we read in the papers that they voluntarily gave their consent), but the others did not as we did not read anything about them.

The Hon'ble the Finance Member : It was their modesty that they voluntarily agreed to take less pay ; but there was no reluctance on the part of others to give up the 10 per cent. cut.

Thakur Giriraj Singh : It has also been stated by the Hon'ble the Finance Member that retrenchments were made on the recommendations of the Retrenchment Committee, but I will submit that it was not so. Before the recommendations of the Retrenchment Committee came up before this House, the Government had issued a *communiqué* that the cut of 10 per cent. would be applied to salaries above Rs. 40, and that for those getting between Rs. 25 and 40 there will be a cut of 6 per cent. From the very statement of the budget I cannot but come to this conclusion that there has been a deficit under all the heads, Excise, Forest, Jail, Irrigation, Land Revenue, etc., etc. Even under Stamps, for which the Government has now made up its mind to put a Bill before this House, so that fresh taxation might be imposed, the income has gone down.

Even under Stamps their income has gone down. One thing has been done as regards retrenchment and it is that the posts of some of the chaukidars and of some peons, clerks, translators and stenographers have been abolished. But I have not come across instances except in very rare cases where the posts of high-salaried officers have been abolished. Everybody knows that posts which begin with 'D' or 'A' have been newly created. There was a time when there was no Deputy Inspector-General, no Deputy Jailor and so on. These posts have been created anew. There are only two alternatives—either the salaries might be reduced or some of the posts abolished or some of the departments amalgamated. Otherwise it is very difficult to balance the income and expenditure as the Government ought to do. In the preparation of the budget of the local boards we have to take care to keep a minimum balance ; but here, as I said in my first speech in the Council, there is no minimum balance. For instance if the income is two crores, the expenditure can be three crores and for the excess expenditure of one crore a loan might be taken. In such a case no Government can be on a sound financial basis at any time. Sir, I have also seen in the budget of 1932-33 that one post of Assistant Director of Public Health has been abolished. We would have been more glad if the post of Director of Public Health had been abolished.

The recommendation of the Retrenchment Committee is that the posts of circle inspectors should be abolished as far as possible. Only 30 posts of these inspectors have been abolished. As it is known to the honourable members, these circle inspectors do not do any substantial work. When the budget of 1933-34 will be prepared, I hope their posts will be abolished altogether. The Inspector-General of Police, the head of the department, and the superintendents of

police are of opinion that these inspectors give them informations. I had a talk with some of the superintendents of police. I told them on the spot that the circle inspectors give them wrong information, and that it is better to have no information, rather than have wrong informations.

Now, Sir, under Registration only two posts of Registration inspectors have been abolished. In Excise, two posts of Assistant Commissioners have been abolished.

I hope it will not be improper on my part to say—under the head English expenditure. Until 1925-26 overseas pay, loss of exchange were debited to Indian grants. Since 1926-27 they have been debited to English grants.

There is a good thing in the statement of the Hon'ble the Finance Member to the effect that after the Government have exhausted all their resources in making retrenchment then they will have recourse to taxation. I feel the very argument advanced by the Government is against the imposition of fresh taxation. There are four kinds of taxes which the Government is going to impose. As regards Stamps and Court-fees something has been said and I want to say one word in that connexion. It has been said and it is a fact that in this country the majority of people are agriculturists. The condition of the agriculturists is also not unknown to us all. Now the people, who sue the agriculturists, are the traders or the money-lenders. The condition of the trader and money-lender is also not good. If you ask any trader he will say that trade is very dull these days. So the result is that there are very many people who have got deeds, and in which there is time they are not taking them to the vakil in order to institute a case. I also know of two or three cases in my poor district where the owner of these deeds, which are registered money bonds could not get money to file suits in the civil court. One of them is time-barred now and another is within time. It was open to them to take a loan from the zamindar but these days these zamindars have very little money and they are very reluctant to part with it. They say what is the use of having land now. There was a time three or four years ago when everybody had a keen desire to purchase a plot of land howsoever dear it might be sold. But now the conditions are changed. A friend of mine purchased a four-anna share in a village for Rs 8 00 in 1923. Now another four-anna share is being sold for Rs. 5,000 only, but my friend, who bought the first four-anna share for Rs. 8,000, is not going to purchase it. Very many instances can be quoted and multiplied. The fact which is quite clear from all these instances is that the condition is very deplorable indeed. The condition of those people who get a fixed monthly salary such as myself, those who are on the local boards or in Government service, is not changed. There are some people no doubt who have many children to educate and getting a meagre salary and they might be suffering on account of this ten per cent. cut, but those, who are drawing a higher salary, ought not to care for such a small reduction.

About registration I have to say one thing. In my opinion there should be no enhancement in registration fee, because the cost of registration generally falls directly or indirectly upon the vendor or one who borrows the money, who is poor and in need of

[Thakur Giriraj Singh.]

money, because generally everything is paid by the vendor, in some places it is paid by the vendee but in mortgages generally the cost of the registration is paid by both, the mortgagor and the mortgagee. No enhancement in registration also is not proper, especially at this critical moment. Taxation may be direct or indirect, but this taxation which it is proposed to impose and which will come up before the House and will probably be discussed at great length, will tell upon the poorer classes and it will result in this that they will part with even the small parcels of fields which they have got at present. So if the Council is of opinion that fresh taxation should be imposed, that may be imposed after due consideration and thought, and it should be only for a limited period, say one or two years, not for ever. Sir, I admit the master mind of the Hon'ble the Finance Member and his colleagues but I also say that had some more pains been taken by his colleagues or by the Hon'ble the Finance Member, some further avenues of retrenchments could have been found; there are very many things in some of the departments which could have been curtailed very easily. Take the case even of Forest about which some members have already spoken. But master as the Hon'ble the Finance Member is, there are certain things which are not clear even to him, as to whether retrenchment or reduction can be made in those departments or not. Heavy expenditure in the past has also been admitted by the framer of the budget. From this it is clear that when there was no other alternative and the Government was in a dilemma, then the cut was made in the present financial year and it is also proposed to be made in the coming year 1932-33. The condition of the tenants as regards the payment of rent is also very bad. I may not be out of place if I mention one instance in which the tenant did not pay the rent to his zamindar. The zamindar was not on good terms with the tenants, and so he found it a very good opportunity to complain to the District Magistrate that such and such a tenant is starting a no-rent campaign. He is not paying any rent. This case is of my own district. I saw the District Magistrate and talked with him about the matter, and told him that both the parties belonged to my district. I told him it was not a fact that he was starting a campaign of payment of no-rent. He was a poor man and could not pay the rent immediately, but after the pressing of the sugarcane most of the tenants would be in a good condition and then they would be able to pay the rent. So inquiries were made through the tahsildar or naib-tahsildar and the tenant was let off.

With these words, Sir, I finish my speech.

The Council was then adjourned at 4.10 p.m. till the following day.

LEGISLATIVE COUNCIL, UNITED PROVINCES OF AGRA AND OUDH.

Saturday, February 27, 1932.

THE Council met at the Council House, Lucknow, at 11 a.m. The Hon'ble Sir Sita Ram in the Chair.

PRESENT (81).

The Hon'ble Mr. E. A. H. Blunt.	Rao Bahadur Kunwar Sardar Singh.
The Hon'ble Nawab Sir Muhammad Mazammil-ullah Khan.	Rai Sahib Lala Manmohan Sahai.
The Hon'ble Nawab Muhammad Yusuf.	Kunwar Jagbhan Singh.
The Hon'ble Mr. J. P. Srivastava.	Mr. Brijnandan Lal
Mr. J. M. Clay.	Chaudhri Ram Adhin.
Mr. H. A. Lane.	Mr. Bhondwa.
Mr. P. Mason.	Chaudhri Bharos.
Mr. V. N. Mehta.	Pandit Shri Sadayatan Pande.
Mr. F. Canning.	Rai Bahadur Babu Jagadeva Roy.
Mr. A. H. Mackenzie.	Mr. Dahuri
Mr. J. N. L. Sathé.	Rai Rajeshwari Prasad.
Mr. R. D. W. D. Macleod.	Rai Bahadur Thakur Shiva Pati Singh.
Mr. C. St. L. Teyen.	Thakur Giriraj Singh.
Rai Bahadur Pandit Suraj Din Bajpai.	Pandit Prem Ballabh Belwal.
Pandit Tika Ram Misra.	Thakur Jang Bahadur Singh Bisht.
Mr. E. F. Oppenheim.	Pandit Brahma Dutt <i>alias</i> Bhairya Sahib.
Mr. K. N. Knox.	Rai Bahadur Thakur Hanuman Singh.
Mr. S. T. Hollins.	Lal Sheo Pratap Singh.
Khan Bahadur Saiyid Ain-ud-din.	Kunwar Diwakar Prakash Singh.
Khan Bahadur Saiyid Abu Muhammad.	Thakur Muneshwar Bakhsh Singh.
Khan Bahadur Maulvi Fasih-ud-din.	Thakur Jainendra Bahadur Singh.
Mr. E. Ahmad Shah.	Raja Jagdambika Pratap Narain Singh.
Rai Sahib Babu Rama Charana.	Rai Bahadur Kunwar Surendra Pratap Sahi.
Mr. Perma.	Rai Rajeshwar Bali.
Rai Bahadur Babu Awadh Behari Lal.	Syed Ali Zaheer.
Chaudhri Ram Dayal.	Khan Sahib Muhammad Maqsood Ali Khan.
Chaudhri Jagarnath.	Shah Nazar Husain.
Chaudhri Baldeva.	Nawabzada Muhammad Liaquat Ali Khan.
Sahu Jwala Saran Kothiwala.	Hafiz Muhammad Ibrahim.
Mr. Tappu.	Khan Sahib Muhammad Hadiyar Khan.
Chaudhri Ram Chandra.	Khan Bahadur Hafiz Hidayat Husain.
Chaudhri Ghasita.	Khan Bahadur Maulvi Saiyid Habib-ullah.
Chaudhri Arjun Singh.	Shaikh Afzal-ud-din Hyder.
Rao Bahadur Thakur Pratap Bhan Singh.	Muhammad Imtiaz Ahmad.
Rao Bahadur Thakur Bikram Singh.	Shaikh Muhammad Habib-ullah.
Kunwar Girwar Singh.	Chaudhri Muhammad Ali.
Pandit Joti Prasad Upadhyaya.	Thakur Rampal Singh.
Chaudhri Dharya Singh.	Rai Bahadur Kunwar Bisheshwar Dayal Seth.
Rao Krishna Pal Singh.	Raja Jagannath Bakhsh Singh.
Honorary Lieut. Raja Kali Charan Misra.	Babu Gajadhar Prasad.
Thakur Balwant Singh Gahlot.	
Rai Bahadur Babu Lrij Lal Badhwar.	

QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

REALIZATION OF REVENUE BY COURT OF WARDS.

*1. **Munshi Gajadhar Prasad :** (a) Will the Government be pleased to state the amount of revenue realized by the Court of Wards from the estates under their management during the year 1931 ?

(b) Will the Government be pleased to specify the percentage of such collections and the amount of arrears still remaining unrealized?

The Hon'ble the Finance Member (Mr. E. A. H. Blunt): (a) The Court of Wards do not realize revenue from the estates under their management.

(b) Does not arise.

The position of course is that Government realize revenue from the Court of Wards and the Court of Wards realize rents from the tenants. I am not quite certain what the honourable member really did mean by his question. I have given him information so far as I could understand his question. If he will ask me any supplementary questions, I will reply them.

Munshi Gajadhar Prasad: Will the Hon'ble the Finance Member tell me the amount of revenue realized on behalf of the wards for payment to Government by the Court of Wards in the entire Province?

The Hon'ble the Finance Member: Will the honourable member give me notice of that question.

ELECTION OF THE CHAIRMAN OF THE DISTRICT BOARD OF GORAKHPUR.

*2. **Munshi Gajadhar Prasad:** (a) Will the Government be pleased to state if they have received any representation from certain members of the district board of Gorakhpur with regard to the election of their chairman on January 8, 1932?

(b) Is it a fact that the person elected as chairman of the board had held the office for two consecutive terms and had not obtained the sanction of the local Government under section 36 of the District Board Act prior to his election as chairman?

(c) If so, have Government consulted their legal adviser on the subject of the validity of such an election and will the Government be pleased to place his opinion on the table?

(d) Will the Government further be pleased to state how they propose to redress the grievances as contained in the representation made to them?

The Hon'ble the Minister for Local Self-Government (Nawab Muhammad Yusuf): (a) Yes.

(b) Yes.

(c) Yes.

The opinion of the Legal Remembrancer is confidential and Government regret they cannot make it public.

(d) Government have already declined to interfere in this case, as the successful candidate was elected by a majority of two to one, and they are also advised that there is nothing illegal in the subsequent sanction to complete the election. In another case also in which a candidate did not obtain the previous sanction and was debarred by the presiding judicial officer from standing, they have found it necessary on the advice of the Legal Remembrancer to set up a tribunal to decide whether the judicial officer was justified and to obtain a final ruling as to whether as the law now stands the sanction must be previous and cannot be subsequent to the election.

Finally, steps have also been taken to amend this provision of the law in section 36 of the District Boards Act and section 45 (2) of the Municipalities Act and place the matter beyond all doubt by inserting the word "previous" before the word "sanction."

SELECTION COMMITTEE FOR THE APPOINTMENT OF CANDIDATES
IN THE PUBLIC HEALTH DEPARTMENT.

*3. **Munshi Gajadhar Prasad :** (a) Will the Government be pleased to state if it is a fact that a selection committee was appointed by the United Provinces Government to select candidates for appointment in the Public Health department?

(b) Is it a fact that this committee consisted of a majority of officials, and of the five members two were Englishmen, two Muhammadans and one Hindu?

(c) Is it a fact that this committee held its sitting on May 30, 1931, and selected candidates without interviewing them?

*4. Will the Government be pleased to state if it is a fact that an approved list of 12 has been made and that out of these two have passed their D. P. H. from English universities? If so, will the Government be pleased to state the reasons for this preference? Is it a fact that the course in Lucknow University is longer and specially organized for the needs of this province?

*4-A. (a) Is it a fact that two of the candidates selected are not domiciled in the United Provinces?

(b) If so, will the Government be pleased to state if no qualified men domiciled in the United Provinces were available?

(c) If they were, will the Government be pleased to state the reasons for such preference of outsiders over better qualified men domiciled in the United Provinces?

*5. Is it a fact that preference during selection has been given to those who had rendered some temporary service in the Public Health department prior to joining the D. P. H. class of Lucknow, irrespective of the year in which they passed and the place in the examination, and that such preference has been given in some cases to persons having had very short period of temporary service such as a month or so?

The Hon'ble the Minister for Local Self-Government : The honourable member is referred to the answers given to starred questions nos. 148 and 150 to 154 asked by Rai Rajeshwari Prasad Sahib on December 15, 1931.

*6 and 7. **Rai Sahib Lala Anand Sarup :** [*Postponed at the request of Government till March 12, 1932.*]

*8 to 12. **Babu Ram Bahadur Saksena :** [*Posiponed at the request of Government.*]

*13. **Rai Sahib Babu Rama Charana :** [*Postponed at the request of Government.*]

DEPRESSED CLASSES TEACHERS IN THE SERVICE OF
LOCAL BODIES.

* 14. **Rai Sahib Babu Rama Charana :** Will the Government be pleased to state the number and castes of the depressed classes teachers

at present in the service of local bodies, both urban and rural, of these provinces?

The Hon'ble the Minister for Education (Mr. J. P. Srivastava): The information is not available.

NOMINATION OF DEPRESSED CLASS MEMBERS TO LOCAL BODIES.

* 15. **Rai Sahib Babu Rama Charana:** What are the castes and number of the depressed class members nominated by the Government to the present local bodies of these provinces?

The Hon'ble the Minister for Local Self-Government: Eleven Chamars, 1 Pasi, 2 Khatiks, 1 Bhunj, 1 Arakh, 1 Kumhar, 3 Koeris, 1 Barhai, 1 Sweeper, 1 Kalwar, 1 Teli, 1 Lohar, 1 Mukeri, 1 Nai and 1 Dhobi were nominated to municipal boards, and 17 Chamars, 4 Barbers, 1 Karhera, 3 Koeris, 1 Mochi, 1 Gohi, 2 Kalwars, 2 Lodhs, 1 Bhunj, 2 Doms, 2 Dosadhs, 1 Mallah, 1 Lohar, 1 Kandui, 1 Barhai, 1 Shilpkar, 1 Tamta, 2 Pasis, 1 Dhobi and 1 Chik were nominated to district boards.

* 16. **Rai Sahib Babu Rama Charana:** Have Government nominated anybody else than members of the depressed classes to represent them on any of the local bodies? If so, where and why?

The Hon'ble the Minister for Local Self-Government: The honourable member is referred to the reply given on February 22, 1932, to starred Council question no. 24 asked by Mr. C. Y. Chintamani.

* 17. **Rai Sahib Babu Rama Charana:** [*Postponed at the request of Government.*]

* 18. **Rai Sahib Babu Rama Charana:** [*Postponed at the request of Government till March 12, 1932.*]

* 19. **Rai Sahib Babu Rama Charana:** [*Postponed at the request of Government.*]

* 20 to 24. **Pandit Joti Prasad Upadhyaya:** [*Postponed at the request of Government.*]

* 25 and 26. **Chandhri Bharos:** [*Postponed at the request of Government.*]

GENERAL DISCUSSION OF THE BUDGET, 1932-33.

Shaikh Muhammad Habib-ullah: Sir, the difficulties of budgeting at this period of world depression in finance are very great. It is not only we in the United Provinces who are suffering from this financial depression, but this is the case all the world over. The countries which were supposed to be the pioneers of industries and trade are now suffering—mostly England and America are the two glaring instances. The other day I read that not less than 9 million people were out of employment in America, a country which is said to have hoarded the entire gold of the world. On the other hand, we see that England has suffered from exchange. But let us hope that the bankers and financiers of that country will put it right, because unfortunately we stand linked to England in the matter of exchange. Such being the case, we must consider ourselves fortunate in having a set of experienced and expert financiers for framing the Budget. The Budgets have very often been called financial jugglery. So they are, but the difference is that the juggler who shows the trick does not explain to you how he performs it. While if you go to our

jugglers, they will tell you their tricks. They are very plain, fair and straightforward people.

Now, Sir, I will make a very few observations on the income and expenditure sides of the budget, without going into the details of each head, which we can take up when different grants are discussed on the floor of this House by means of token cuts. In my opinion, Sir, the income side is as important to deserve the scrutiny of this House as the expenditure side. Supervision of even small details in the matter of income go a long way to save money and give additional income, whether it may be in connexion with a firm, a private individual or Government. For instance, suppose Government has to sell a fruit garden, they will say that the sale will be advertised and the garden will be sold to the highest bidder at a public auction. If the person in charge of the auction has no brains, it is quite possible that the bidders may combine and the price may not go up, but if the auctioneer knows his business, he will manage the auction in a satisfactory manner. So, Sir, it is really the people in charge of the income side who should be very careful in seeing that there are no leakages and that the Government gets cent. per cent. benefit so far as its income is concerned. But I hope that while following this principle of getting more income Government will not practise jobbery as they have done in the case of land revenue. I am afraid I cannot help using this word. Government admits that two chief harvests have suffered damage, on account of the fall in prices, the tenants and landlords have also suffered thereby, but Government does not want to suffer equally with the tenants and zamindars. It has deviated from all rules and practice, it has put aside all existing laws in making remission of land revenue. This is, Sir, very unfair. The Government should see that its receipt side does not contain items which are not properly calculated and which are bloated. If there are any such figures, they should be wiped out as they could not be realized in the year 1339. The present position is that prices are said to be going higher. So far as I know it is only wheat which is selling at a better price than it did some time before. But what about the chief crop of the season—I mean sugarcane? Is there any market for it? If you go to the countryside you will find that in every village tons and tons of "gur" is lying without any buyer. The reason is very simple and clear. There is no money in the country to buy. Everybody is suffering from financial depression. When the Government are making a budget and working out the figures of their income, they should, as I have said, be very careful in their calculations so that they may not include incomes which they may find afterwards difficult to realize. I remember saying last time as to how all these items had been included in the income from land revenue. The Hon'ble the Finance Member snubbed me at once. He said, "we are not to exclude our arrears." As a financier and for the purpose of calculating figures his reply was perfect, but to-day he is not only in charge of finance for looking up the figures but he is the Hon'ble Member of the Government in charge both of the Revenue and Finance departments and he should think of the policy and not only of the figures. He is responsible and I hope he will discharge his responsibilities well.

Now, Sir, coming to the head of expenditure, there is no doubt that our financiers have applied their axes and going through a series of figures under every head one finds that they have done their best, but there are things over and above their calculations. For instance, the Retrenchment

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Committee Report recommended certain cuts and I must say that about 80 or 90 per cent. of their recommendations have been accepted. I congratulate the Government for the liberal manner in which they have treated the Retrenchment Committee Report. Even in cases where they have not accepted the recommendations I do not know whether the answer is evasive or they mean business. They say that the matter is being discussed with the higher authorities. I hope they mean business. . .

The Hon'ble the Finance Member: My honourable friend may take it that the answer is in no sense evasive.

Shaikh Muhammad Habib-ullah: So if they mean business, I hope further cuts will be possible. It is also within my knowledge that they have included in the budget certain heads of expenditure only formally, but if they find after enquiry that those figures can be still cut down, I daresay they will do so.

There were two items of expenditure which were talked about in this House yesterday. One was that Government did not accept the report of the Retrenchment Committee, with regard to the abolition of the post of Deputy Inspector-General of Police and the other was regarding the abolition of the post of an assistant in the Electricity department. As for the reduction of the post of Deputy Inspector-General of Police, I think the House has discussed the matter several times and I expect that when the Police budget comes, the Government will be able to convince this House that it was impossible for them to accept the recommendation because without a sufficient explanation and a convincing reply the House will not be prepared to accept a mere statement from the other side of the House that this could not be done. The other case of the electric man we also discussed and it was amusing to find when we discussed that case that the Assistant had better academic qualifications than his boss. So in a matter like this where the head of a department is only kept on account of his old experience and not on account of his technical knowledge, an assistant is absolutely essential. It may be that you do away with his post, but then you will have to find as to whether the man who is in charge of the department is or is not fully qualified educationally to be in charge of it. That was my view when I lent my support to the retention of the post.

It is said that our deficit is 3 crores. Perhaps to an outsider it might occur that this is due to the present depressed state of finances. But of course it is not so. It is accumulated arrears of the past. It is only a reflection of our past sins, if I may use that phrase. Even if the present year would have been a normal year, our deficit would have been 2 instead of 3 crores. And I hope that the Finance department have learnt a lesson, now how to incur expenditure by means of curtailing their budgets as they have done this year. If they only follow this policy in future, we need not apprehend any danger regarding the future finances of our province. Of course it may shock a hearer to know that this poor province is in debt to the extent of 24 crores which is really double the amount of its income. Well, our credit in raising 24 crores was chiefly land and I must sound a note of warning that the value of the very credit is going down so this 24 crores now really means 30 or 40 crores against the reduced value of that property. You can borrow while the value of the property is good and when the value of your property is going down, I think it is time

that you should pause. Sir, I do not like to enter into the details of the heads of the budget, but there have been jarring notes sounded by some of the members who spoke on the floor of this House. Those gentlemen mostly are members of the bar. I wonder that some how or other they have begun to think that Oudh is a bed of roses where they could go and hoard money left by the old Moghul Emperors. They have suggested the amalgamation of the Chief Court and the High Court and they think that we are opposed to this amalgamation on the ground of sentiment. I have explained to those friends of mine the other day that there is no sentiment in it. I use the very argument which the gentleman who proposed this amalgamation himself used it yesterday. The argument's "justice delayed is justice denied" and since we get this quickly we favour the retention of this Chief Court here and because of the special knowledge which is required of special laws. . . .

Mr. Brijnandan Lal : Do you get it too quickly ?

Shaikh Muhammad Habib-ullah : Well that is a matter for the judiciary and the bar to know. I know, Sir, that today the relation between the bar and the judiciary in Oudh are not as they ought to have been. There are talks all round here that there is a system of favouritism introduced in it and I should very much like that a judicial committee or a tribunal of some kind is appointed to inquire if there is such a thing and to eradicate it. That is only a matter between the judiciary and the bar and I have nothing to do with it. Of course the taxpayer does suffer when he knows he has to pay high fees to people who do not deserve it. I was surprised when a member from the Universities suggested that there should be one centre of education for specialized knowledge and for research work. This is a novel suggestion from a member of a University. If I mistake not there are as many as 19 Universities in Great Britain and my friend here thinks that our Universities are too many. Well I wonder if he has got this idea based or generated by the competition between Lucknow and Allahabad which I have not. I think Lucknow is Lucknow and Allahabad is Allahabad and Lucknow will remain Lucknow and Allahabad will remain Allahabad. In this connexion the honourable member, who was of course also a lawyer, suggested that by increasing the stamp duty it might affect the legal profession. I should like to know and get a reply from my friend that in considering measures of this kind are we to consider vested interests of a certain profession only or to look to the relief of the taxpayer ? I do not say that I commit myself for the introduction of a bill to increase stamp duty, but certainly if the occasion comes and I find it necessary, I will be the first person to support it, but I will forget that it interests the members of the legal profession. Sir, there is one point more. It has been said in this House that when the new constitution comes in it will be confronted with bad finances and members have rightly appealed to the Hon'ble the Finance Member that for goodness sake don't hand us over an insolvent Government. The Hon'ble the Finance Member said last year that perhaps it was his last speech as the Government may pass on to the popular vote next year. I do not know what he will have to say this year. Of course last year was his twelfth year but this year he has fully acquired the right of occupancy and he might object to being ejected.

The Hon'ble the Finance Member : My tenure is only statutory.

Shaikh Muhammad Habib ullah : I hope the Government will consider this question very seriously. After all there are suspicions lurking in the minds of people that alien rule if it ever passes on the reins of Government to the people of the country it might make it impossible for them to carry on the Government with the state of finances in which they might leave the country. Of course there is a lot of foreign money invested in this country. That is quite enough. But to find our own finances, our own provincial finances so bad as I have just said, burdened with 24 crores of debt, I do not think our rulers will be proud of the fact that they have handed us over the management of the province with everything good and progressive. With these remarks I resume my seat.

Thakur Balwant Singh Gahlot : Sir, I also join hands with those who have congratulated the Hon'ble the Finance Member and his two able lieutenants, Messrs Teyen and Bajpai. My congratulations, Sir, are sincere, and they are for the frank, straightforward and candid, though depressing budget that the Hon'ble the Finance Member has presented. My congratulations are not the customary congratulations that have in the past been offered to different Finance Members who held that office; because, Sir, if one looks at the past history one will find that congratulations have always been offered and the budgets that have been produced since the Reforms were inaugurated have almost led us to the brink of insolvency. My congratulations are different from those congratulations, for the present Hon'ble Finance Member gives a true picture of financial position.

Now, Sir, I would make a few remarks about the historical review of the budget. If one goes through the historical review that is annexed to the budgets one finds that since 1921 up to the present moment all the budgets except those for 1927-28 and 1929-30 have been deficit budgets. In those two years also, the surplus was not due to any attempt to cut down expenditure; it was due to abnormal increase in the receipts as is clear from the table given on page 4 of the Historical Review. Sir, there is no doubt that the Meston Committee's award for these provinces, that we should pay a contribution of Rs. 240 lakhs towards the Central Revenues was certainly unjust. But what was the position, Sir, when the Reforms were inaugurated? According to the Meston Committee's calculations the province had an increased spending power of Rs. 157 lakhs, and even according to the actual figures of 1921 there was a surplus of Rs. 10½ lakhs. In that year, Sir, the Government, finding such a small surplus as Rs. 10 lakhs at its disposal took to the only two means of improving the position. One was of further taxation, and the other was of economy and retrenchment. As regards taxation, fresh measures were brought forward and the Council passed them only for a limited period, and in the other direction an Economy Committee was appointed with a non-official majority. But, Sir, there the attempt ended.

No serious thought was given to the recommendations of the Economy Committee, and the policy of looking to the sound position of the finances was I think given up. In the hope that the provincial contribution which was unjust and not based on sound financial reasons would be discontinued, the Government went on increasing the expenditure and that opportunity of balancing the budget with a final remission of Rs. 2,40,00,000 was not taken advantage of, Sir, the Government did not stop here. In the beginning of the Reforms the provincial development loan was raised to

the extent of four crores and some lakhs. The Government saw no difficulty in meeting the deficits out of that loan till they were stopped in 1925-26 by a ruling from the Secretary of State that the loan fund could not be utilized for meeting the deficits in the budget. I think that if that ruling had not been there the whole of the money or a major portion of that fund might have been utilized to meet the deficits of the budget. To put it briefly it comes to this that the province started its career with a surplus budget in 1921 both according to the Meston Committee's estimation and according to the conference of the financial representatives in 1919. Even according to the actual figures of 1921 the resources of the province were higher than the expenditure. We add to this surplus the final remission of the contribution of these provinces of two crores and 40 lakhs in 1925 and 1927, plus the savings that were achieved out of the recommendations of the Economy Committee, plus the proceeds of the additional taxation for that limited period, plus the opening balance of 88 lakhs in 1921, but, Sir, what is the result of all these pluses. The result is a huge minus in the end that is 1932-33. Sir, can anybody call this a sound financial policy? If there is a demand for the transfer of financial control from the Government to the popular side the question of safeguard is coming to the forefront. I say, Sir, that if there was a popular representative occupying that place in the Government and if he had been pursuing a financial policy of this sort for so many years he would not have been permitted to do so for such a long time. To-day I should have been more delighted if the Hon'ble the Home Member were occupying a different portfolio. When I say so I do not wish to make an invidious distinction between the two honourable members of the Government, but I cannot help remarking that by his own personal example the Hon'ble the Home Member has proved what a sound financier can accomplish. By making these observations I have no desire whatever to find fault with the Government's past actions. The Hon'ble the Finance Member himself has admitted in his speech that it is no use shedding tears over what has happened in the past. My only purpose is to urge upon the Government the need for making further retrenchment so that the expenditure of the administrative machine might be brought down to the level of 1921, but if that be not possible, at least to the level of 1926, with the result that there may be no need for any fresh taxation.

Now, I pass on to deal with the budget from another aspect. From the nationalist point of view I am afraid the budget is defective. There has been no definite programme of provincial uplift before the Government. Everybody knows that we people in the East are conservative by nature. What was wanted was, that like the Government of Japan our Government too should have taken upon itself the duty of national uplift and in the wake of which private enterprise might have followed. In Japan factories and mills were started by Government, and as soon as they could pay their way, these were handed over to private people for management. The result was that in a very short time Japan made tremendous progress. Nothing of the kind has so far been done here. As we all know, the prosperity of these provinces depends on the vagaries of the monsoon. Has Government brought out any scheme, which may reduce the chances of distress to the agriculturists as the result of uncertain rainfall, except by opening the Sarda canal. It would have been much better if Government started building tube-wells in large numbers in the rural areas. In the matter of education too, has Government come forward with any

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scheme to remove illiteracy from these provinces? I know that the Department of Education has been doing what it can to give encouragement to education in these provinces, but what it is doing is certainly not enough. As without a definite programme it is difficult to achieve better results. So much about its lack of national outlook.

Now, Sir, I would like to say something about the provincial income and its distribution. If one looks to the first page of the budget, one finds that the main sources of income, that is, land revenue, stamps, excise and irrigation, directly or indirectly come from the rural population who live in villages. But, Sir, on the expenditure side there is very little spent in improving the amenities of village life. There is no medical aid available there, no schools worth the name, no police except a chaukidar and that too one for four or five villages, no roads, nothing to speak of any means of recreation for them. As has been said formerly, there is not even sufficient arrangement for the supply of water. This blame I think rests as much upon the zamindars as on the Government. The zamindars have also failed to exert their influence upon the Government to change its policy of rural oblivion to that of rural uplift. If the streets of a town are electrified or the roads widened under improvement trust or public works department, it surely adds to the comfort of its citizens: and I do not grudge them that. But certainly it does not add so much to the prosperity of the province as a tube-well with the same cost would have done and raised so many families from the state of starvation to that of prosperity. Even now, Sir, to my great regret I find that the rural class has been the first to suffer in this financial crisis. The subsidized dispensaries have been ordered to be stopped, and where they have been allowed to go on their aids have been reduced by 50 per cent.—a cut not to be dreamt of in any other department or in any other case. The scheme of rural sanitation has been postponed for better times. Travelling dispensaries have been stopped altogether. Sir, with absolutely no amenities of life, the poor villager pays the major portion of his income in the form of rent or tax quite calmly and obediently. Can you find today such a class existing over the face of the world? My submission in this respect is that we should not be sleeping over the rights of this somnolent people. The moment they are awakened from their deep slumber we, or whoever may be responsible, may be asked to account for this dreadful neglect of their rights. These facts certainly warrant a change in the financial policy of these provinces.

Another discrepancy in the distribution of the provincial expenditure is that like the rural classes, there are some rural districts as well in the province, and if we were to analyse the expenditure that is being incurred over different districts the proportions would be very appalling. I can certainly say about my district that in this respect it is, if not the most, at least one of the most unfortunate districts to get the least out of the provincial contributions.

Now, Sir I would say something about the beneficent departments. I do not grudge the increased expenditure over them, but certainly they need some improvement. In the Education department the girls' education does not receive proper attention at the hands of the authorities as they ought to do. Mothers are the future builders of the nation. I need not say much about it, as the cause speaks for itself and does not require any advocacy on my part. The only thing that I would like to

suggest in this respect is that the same rules may be framed by the department as have been framed in the case of the introduction of compulsory education for boys. The local boards will certainly in that case take advantage of this change in the rules and lot of improvement can be effected through this method. I can say about the district board of the district from which I come that it is spending much more than the scheduled grant for girls' education ; but what is the result ? There is always a fear that the expenditure may not be taken to be the minimum standard grant for the girls' education, and the board has to adopt the policy that in the beginning the minimum grant is passed by the board and afterwards further additions are made out of the savings under other items. If the rules are framed to that effect, as have been framed in the case of compulsory education, there will be no difficulty in improving girls' education.

There is one thing about the policy of education. I am not against higher education ; nor am I ignorant of its necessity for the uplift of the nation. But, Sir, there is not much use in turning out raw graduates without anything to fall back upon ; it only increases or swells the number of the discontented in the province.

The Hon'ble the President: May I say that there are a number of speakers today. Will it not be better to discuss this under the Education demand.

Thakur Balwant Singh Gahlot: Very well, Sir, I have nearly finished.

So is the case with agriculture. I think if proper attention is paid to the Agriculture department that directly deals with the rural classes much improvement can be done if proper share is allotted to that department out of provincial finance.

As regards Medical I would like to say that these subsidized dispensaries may not be abolished because you can have medical aid in cities from private doctors but certainly in the villages it is difficult to get any relief at all.

As regards retrenchment many proposals have already been made by the honourable members. I would like to say one thing and it is this, that it is not the proposals of the honourable members that they can effect economy as is clear from past experience, because when the Government wanted it made a cut of 50 lakhs in the course of the last presentation of the budget and only 13 lakhs came out of the hard labours of the Retrenchment Committee.

The Hon'ble the Finance Member : So far.

Thakur Balwant Singh Gahlot: The Government if it likes can make better economies. In this case I would appeal to the good sense of the Government to make as much economy as is possible for its good name. By making these remarks I am not minimising the labours and the ability of the Hon'ble the Finance Member or the Finance department. My only object and my only fervent appeal to the Government and the financial pandits of these provinces is that they should rise equal to the occasion and show to the other sister provinces that we are justly proud of the present head of the Finance department and the head of our provinces, the chief pilot of our sinking boat, I mean Sir Malcolm Hailey.

With regard to additional taxation I would only say this much that it is inopportune at the present moment. With these words I resume my seat.

Hafiz Muhammad Ibrahim : I find these provinces in the condition that is expressed by a poet in the couplet :

قرض کی پیتے تھے مے اور جانتے تھے ہم کہ ہاں
رنگ لائیگی ہماری ناکہ مستی ایک دن

We are assembled here in this hall. It is certainly very spacious, very handsome, it is a thing which has cost much money to us. We have constructed many other buildings for constables of police, for kotwalis and other purposes.

Sir, let us go to the back volumes of the budgets of these provinces, let us explore them, let us turn over their pages and find out from the figures given in them how much money since the reforms we have spent on buildings alone. I will submit, Sir, that the buildings programme of our Government has been very very expensive. It has cost us much and taxed us to a great extent. Sir, let us try to see from where this money comes that we spend. It comes from the tax-payer, that tax-payer who is going to die a death of starvation, who has got no clothes to put on, who is living in a hut, in a thatched house, which is a very small one rather too small to contain his big family. Well, Sir, he is going every day to the money-lender to provide himself with necessities. Such is his condition. It is from his pocket, that the money comes from which we pay big sums of interest on our capital expenditure made from borrowings, Sir, I thank the Hon'ble the Finance Member not for the reasons for which other members have thanked him, but for the simple reason that he has opened our eyes. He has shown us where we stand. He told us in his statement that we have been having a series of deficit budgets since the year 1920-21 barring two years, 1927-28 and 1929-30, he has told us that we are face to face with a very big deficit to cover which we required a period of five years. In the note prepared by him as Finance Secretary of these provinces in the year 1928 on the debt position of these provinces, I find he stated that by the end of the year 1932 these provinces will be indebted to the extent of more than 24 crores. Sir, these are the things pointed out to us by him. They are really eye-openers. We must be up to our duty, we must think who has sent us here, I mean that poor tax-payer, those poverty stricken people whom we represent, it is they who have sent us here to cry on their behalf though that cry may be a cry in the wilderness. It may be effective or ineffective, but we must do our duty and tell our Government plainly that the habit of not cutting the coat according to the cloth, the habit of spending over and above the actual income of these provinces is leading us to a very ruinous and disastrous position. Sir, the Hon'ble the Finance Member has ascribed our financial difficulties mainly to the blunder that was committed by the Meston Committee in overestimating the spending power of these provinces in the post-Reform days. That may be true, but I will not agree with him if he will say that this is the only cause. There are certain other things that have contributed to that position. To my mind it appears that the real cause lies on the part of our Government in infringing the rules, the established canons of the science of finance. Sir, we have been in the habit of making capital expenditure. Sir, if we go to financial authorities and find out under what conditions and according to what principles capital expenditure is allowed, I will submit that we will come across three cardinal principles. Firstly such

expenditure is allowed on purposes that are a source of permanent income and are productive, secondly for emergencies like war and earthquake and similar other calamity, and thirdly for a temporary necessity. May I ask, Sir, was this palatial hall for the meeting of the representatives of very poor people constructed under some temporary emergency, was it constructed to meet any calamity like war or earthquake, is it a productive and permanent source of income? None of these, Sir. This infringement on our part, this infringement on the part of the Government has led us to the position where we find ourselves helpless. In this year's budget I find that the Hon'ble the Finance Member has paid much attention. He has limited expenditure on unproductive purposes. He has allowed sums to be spent only on such buildings as have been in progress, and he has not taken up any other programme as far as I can find out from the volumes of the budget presented to us. I will request the Government, I will request the Hon'ble the Finance Member on behalf of those poor people whom I represent that this is the policy that can really lead to any prosperity and can make our days brighter in future, and let it be followed in future.

Sir, another cause of our difficulty seems to me to lie in the maintenance of a very top-heavy administration. The features of this administration are princely salaries and the maintenance of superfluous and unnecessarily high offices. The question of high officers has been discussed previously and I will not enter into the details of that question at all. But I will say something about the question of salaries. When I say this, the Government may point out to me that I am entering into a domain where the Government of these provinces find themselves powerless. It may be so, but I must say that the finances of this Province do not justify such high salaries as are being paid. When I speak of high salaries, I do not mean the salaries of any particular class of officers. My remarks apply equally to European as well as Indian officers and to every officer who is in the service of the administration. This question was discussed at some length previously and other features of it were brought to the notice of the Government. Therefore I will not dilate at any great length on this point. I, however, hope that at least in future the Government of these provinces will pay greater attention to this question and will realize that it is a means of making the finances of these provinces better and prosperous.

Now, Sir, I will enter into the domain of particular departments, and I will speak first about Excise. This department has been neglected since the departure of the Swaraj party from the last Council. No non-official member has ever to my knowledge taken the trouble of keeping an eye over the affairs and activities of the Excise department in this province. I shall again have an opportunity of speaking in detail about that department when it is particularly discussed on the floor of this House, but I have to make a protest against the general policy of Government and therefore I avail myself of this opportunity to speak on it. Sir, when I entered the Council of these provinces in the year 1927 I proposed a resolution to the effect that total prohibition should be adopted by the Government as their goal of excise policy. That resolution was carried by the House with the amendment that the words "total prohibition" be substituted by the words "total abstinence" and since then it became the recognized principle or at least a profession on the part of Government to-

[Hafiz Muhammad Ibrahim.]

say that they were pursuing a policy of total abstinence. In pursuance of that policy and in pursuance of that resolution a Bill was prepared by the Government, viz., the Local Option Bill. That was put before the Excise Board of which I also had the honour to be a member. I took part in the discussion on that Bill and suggested certain amendments. They were all accepted and it was prepared in its final form so far as the Excise Board was concerned. After that small leaflets were printed by Government and put on the tables of honourable members of this House. Government said therein that they were shortly going to introduce that Bill. It was in the year 1928 and though four years have rolled by since then, Government have not awakened to their duty to this House. They have up till now never thought of introducing that Bill and satisfying a long-standing demand of the province for local option. I hope you will permit me, Sir, to say a few words about local option itself which is a very desirable principle. Of course, I cannot discuss the merits or demerits of that question at any great length at present.

The Hon'ble the President : It may be very desirable but is it desirable to discuss it to-day ?

Hafiz Muhammad Ibrahim : I am not going to discuss it. I am simply confining myself to saying that it is a very necessary thing so far as the cause of promotion of temperance and total abstinence goes.

Now, Sir, I find that Government have not made any provision in the budget for the promotion of temperance in these provinces. An excise sub-committee was formed by Government of which I also was a member. That committee was asked to devise means for promotion of temperance. It prepared its report and submitted it to Government. I do not know what happened to that but Government had made a promise that every year at least a small sum would be allotted for promotion of temperance in this province. I, however, do not find anything like that in the budget.

There is another thing I wish to bring to the notice of the Hon'ble Minister for Education. It is this that when distribution of money under Education is made to its sub-heads, it should always be borne in mind that that sub-head should get the most which concerns the welfare of the masses. It has been admitted on all hands that primary education is a necessity, but we find that only 41 to 43 per cent. of our whole allotment for Education is given to it. The other provinces, like Bombay and Madras have been spending 49 to 59 per cent. over primary education. I hope that our Education Minister will pay greater attention to this and in future more money will be allotted to primary education. With these remarks I resume my seat.

Rai Rajeshwari Prasad : At the outset I would like to refer to rather an insignificant matter but which I consider to be important. As I began my study of the budget, I found that the two pages containing graphs had disappeared. Sir, there are minds which are not very well trained to receive figures containing six to eight digits

The Hon'ble the Finance Member : Retrenchment.

Rai Rajeshwari Prasad : There are minds not so well trained as those of the experts of the Finance department to receive figures which contain six to eight digits and to those minds the two pages were a great help in seeing at a glance what the financial position was. I beg to submit that

the elimination of these two pages could not possibly result in any substantial saving, and I would suggest to the Government to have these two pages inserted in future budgets.

Reference has been made by more than one speaker to what has been known as the Meston award as the cause of our financial difficulties. I would not have dealt with this subject as I find that it may not now be necessary for us to discuss this question any further in view of the reforms that are impending, but because mention has been made more than once I would like to make a few remarks. It appears to me that the Meston Committee's recommendations with regard to the provincial contribution were not responsible to that extent for creating the financial situation which now confronts us to which they have been made in the statements of the budget both in previous years and this year as well. I have looked up certain books on this question and I find that the provincial contribution was levied with a view to make good what is known as the central deficit, the deficit in the central revenues. The deficit was calculated by the Meston Committee on a wrong principle. The result was that in calculating the central deficits the Meston Committee made certain mistakes which must necessarily have been favourable to the provinces. Now, Sir, if the figures that I have seen in the books are correct, I have ascertained that the mistake is nearly of about 20 crores of rupees. The expenditure on the army was contemplated by the Meston Committee to be 43 crores while in the year of calculation and near about that year the expenditure on the army came to about 60 crores. That alone accounted for about 17 crores. There was a mistake also in the exchange ratio. I can safely conclude that these mistakes in calculating the central deficit put together would account for about 20 crores. I fail to see how, if this mistake had not been committed, this province of ours would not have had to make a provincial contribution to the extent to which it has had actually to make. Another cause for our financial difficulties that has been mentioned by the Hon'ble the Finance Member in his statement is on page 7. He has referred to certain calamities and I may read that sentence: "The principle and the only immediate cause is a series of calamities which could not have been foreseen nor prevented." That is quite true, Sir, but it is more or less what I may call the fatalistic point of view and I find myself greatly relieved when I refer to page 3 of the statement, where the Hon'ble the Finance Member goes to mention a more acceptable cause of the financial difficulties that now confront us. Sir, I must confess that I appreciate greatly the candour and the frankness with which the Hon'ble the Finance Member has come forward with that remark. It is at page 3 and it has been quoted by more than one member. It runs as follows: "It is in vain to deny that the past budgets have been too optimistic and past expenditure too heavy." Sir, as I read this remark I am reminded of what the present popular view of our financial position is and I would confine myself this morning mainly to the popular view of our financial difficulties, because I have said there are so many political and constitutional changes now in sight that a technical discussion of the budget now before the House for consideration will not be of much practical value. But before I deal with the popular point of view that I have mentioned, I want to make two remarks. First of all I would impress on this House that the popular point of view in this matter is not necessarily the wrong point of view. There may be that apprehension, but I would like the members of this House to clear their

[Rai Rajeshwari Prasad.]

minds of that impression. Experience from time to time teaches us a better lesson. Another point that I would like to mention is this that in budget discussions I am not a believer in originality—originality in its sense of something which strikes our imagination and arrests attention for some time. We need not be surprised, therefore, if we find ourselves again compelled to traverse the same old ground of retrenchment and taxation. Once in a while at least when we come across that statement made by the Hon'ble the Finance Member, we feel that the cry for retrenchment in the cost of administration which has been made from this side of the House, which is supposed to be the custodian of the popular view of the country, was not altogether in vain. Until very recently it is my impression, and I am sure it is the impression of more members than one on this side of the House, that whenever we were talking of retrenchment, the Government view was that we were more or less talking of something illusory—something which was impracticable of performance. We find that in the year 1923-24 an economy committee was appointed, but what practical results that committee has attained, I for one do not know. In the year 1930, if we want to find out what actual figures of retrenchment in the cost of administration have been attained, it is difficult for us to find. Last year, if I can remember aright and I think I do, the then Hon'ble Finance Member said in his statement that retrenchments had been carried out to an appreciable extent and I beg respectfully to submit that it is difficult for me to appreciate the implications and the exact import of the word "appreciable". Now, however, it is gratifying to find that in the course of two years, last year and this year, we have succeeded in cutting down the cost of administration to the extent of 144 lakhs. But, Sir, I would like to mention certain other figures in order that the House might judge the magnitude, the real worth of the retrenchments that have been effected in the cost of administration. Last year when the budget figures stood at over 12 crores on the side of income, the cost of administration stood somewhere at about 6 crores or over. By cost of administration, of course, I mean direct demands on revenue as well as civil administration charges. This year the figures on the income side of the budget stand at over 10 crores and on the side of expenditure under those two heads we find the figure stands at 5 crores, 13 lakhs and odd. The point is, Sir, that the same percentage between the total income of the province and the cost of administration, the percentage of 50 per cent. has been maintained throughout. The result is that the same old quarrel between the beneficent departments and the spending departments is bound to continue. The departments which are called nation-building departments will, from day to day, from the very nature of things, demand more and more expenditure on their side, and I do not know how, if we maintain this proportion between our income and the cost of administration, it will be possible for us to make both ends meet. Sir, I want to make it clear and I submit that there should be no doubt about it, that the popular view is that we are spending far beyond our resources. And I may add here, Sir, that it is not only the popular view but this is also the view of expert Indian economists and it is not necessary for me to quote names here. The implication of what I have said is obvious, it is that retrenchment has to be far more drastic, it has to be far more real, and if we are to attain a state of financial equilibrium we have to take far bolder steps in retrenching the cost of administration. I wish to read a statement of the Hon'ble the Finance Member contained

at page 6 where he says " Let me remind the Council that the estimated yield of these four measures of taxation is only 30 lakhs, a very small sum when compared with the 144 lakhs of retrenchment already effected or to be effected in the budget year. Let me further remind them that even if they do give us this sum, the deficit on the year's working at present shown as ₹9 lakhs will still stand at 30, which we can only hope to cover if our revenue estimates prove unduly pessimistic, or if we can devise any further measure of retrenchment".

We know the limitations within which we can introduce legislation regarding taxation, and I am glad to find that those limitations have been recognized in this statement. It is neither possible nor wise for a Government to cover all its deficits whatever might have been the cause of that deficit and whatever might be the amount, by methods of taxation. The measures that have been proposed by the Hon'ble the Finance Member and which he says can be reasonably adopted by us, admittedly fall far short of the desired effect and the methods that have been adopted by way of retrenchment carry us no further.

Sir, naturally the feeling, therefore, arises that retrenchment has been carried out only in minor details, in the smaller sources and that the major avenues of retrenchment have yet been left unexplored. More than one member of the House stood in his seat both yesterday and today and pointed out what those major avenues of retrenchment are, and if we carry our minds back to a few months when we were discussing the question of salaries, allowances and certain other concessions, we shall remember the remark of the Hon'ble the Finance Member who said: " It is not possible for us to interfere in these matters; our hands are tied." It is rather unfortunate that the exigencies of law and constitution should have so placed us that we are today unable to attain that measure of retrenchment in our expenditure which we consider adequate in order to balance the budget before us. I do not wish to dwell in the region of the future. I shall only say that we are hoping for a constitution and for a law which will enable us to mould that law and constitution as to make it suitable to the growing needs and the economic necessities of the people for whom it is meant.

Sir, I have to say very little with regard to further taxation. Agricultural returns have diminished so much in value and business earnings have dwindled so far that it can very reasonably even now be said that there is hardly any opportunity for further taxation. The Hon'ble the Finance Member need not be surprised, therefore, if he finds that opinions with regard to further taxation differ. As far as my personal view is concerned, I would like to reserve my judgment till the discussions on the budget demands are over.

Raja Jagannath Bakhsh Singh: Representing as I do a community which is perhaps no less affected by the financial conditions prevailing at the present time, I am naturally disappointed to receive a deficit budget this year as well. It is true that we are more or less hardened, or, I may say, accustomed, to receive deficit budgets one after another since the introduction of the reforms. This should not prevent me from paying a due tribute to the Hon'ble the Finance Member or his worthy assistants, namely, Mr. Teyen and Mr. Bajpai. I am aware, Sir, that the time of the Council is very valuable, particularly this morning, which is the last day of the budget discussion, when it is expected the members

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of Government will rise one after another and make statements on the subjects under their charge. I shall, therefore, confine myself to the four corners of one question and one question only, and that is retrenchment.

I should say that this year retrenchment is the only one question which concerns the budget chiefly. We are aware that the revenues have been reduced to a very great extent owing to various causes and it is now the duty of the Government and no less than the Government the duty of this House to adjust our expenditure according to our revenues. If we are successful in adjusting our expenditure according to our revenues there should be no necessity for further adding to the taxation which even in normal conditions is not the least welcome to anybody, what to say of this year of abnormal conditions. So, Sir, the budget this year is only the result of the retrenchments that the Government could effect in their expenditure. This necessity was foreseen by the House last year when they appointed a retrenchment committee. The retrenchment committee met at Naini Tal and went through the expenditure item by item or, I should say, in as great detail as it was possible for them to do. It was pointed out that time was very short and that the committee should perform its work as early as possible, in view of the fact that action has to be taken on the report of this committee before the budget is presented to the Council. The members realized this contingency and did their best to meet it. If I mistake not, I think the report of the committee was presented in November last. Before the general discussion of the budget started the Government supplied us with the summary of action taken on the report of the retrenchment committee. I beg to submit at the outset that I cannot call the action taken by the Government as very satisfactory. I do not totally blame the Government for this, because I am aware of the difficulties of the Government also in this matter. They have to give careful consideration to certain large questions involved in the retrenchment proposals. Further, they have to obtain the sanction of higher authorities in certain cases. All this does take time, but the time before us is limited. If, therefore, it is not possible for Government to give us a clear idea of the action taken on every item of the report of the retrenchment committee, we will be greatly hampered in our task of criticizing the budget item by item. Moreover, in stressing the point at this time we will strengthen the hands of the Government in their support of the proposals of the Retrenchment Committee to the higher authorities. In the second place, from the summary of the action taken on the report of the retrenchment committee, it will appear that the items which have been accepted by Government are of comparatively small importance. Those of greater importance are still under consideration or under examination—these are some of the phrases used in the summary. I would, therefore, request the honourable members of the Government when they come to make replies to the speeches of the two days to give us a clear idea of the items in respect of which it will be possible for them to accept the recommendations of the retrenchment committee. We would also like to know the effect of the acceptance of those recommendations by Government on the budget. If Government will very kindly give us this information, it will not only save our time, but will also save the Government the trouble of hearing criticism which is certainly not welcome to them.

Then, there is another matter of very great importance in connection with the budget, and that is the impending taxation, which is hanging like the sword of Damocles on our heads. I have no desire to reinforce the arguments already advanced by previous speakers that at the present time it is not possible to support any measure of further taxation. The only reason that may induce the Council to agree to further taxation is that there is no other way possible for Government to meet their expenditure. Only when it is proved to the House that the expenditure proposed is inevitable and that it cannot be met by the present sources of income that we can agree to further taxation. If I am loath to support a taxation measure, it is not because I shirk my responsibility as one of the representatives of my constituency in this House. It is not because I am afraid of meeting my constituents, when they ask me why I agreed to the taxation. I only consider my responsibility in this House from this point of view that if the expenditure of the Government is in the interests of the people, and reduced to the reasonable minimum, in view of the present financial difficulties of course I, as well as every other member of this House will, I hope, gladly agree to the passage of a Bill for fresh taxation. If that is not so, certainly I think that every member of this House should think twice before agreeing to add to the already heavy burden of taxes existing in these provinces. Now, Sir, what is the result of this? The result of this is naturally the report of the retrenchment committee. The Government appointed a retrenchment committee. It went into the question in great detail: and in this connection I may acknowledge the help and assistance already acknowledged by previous speakers which has been given by the present Finance Secretary to the retrenchment committee. His help and assistance and that of his able deputy went a great length to make our task easy. If the report of the retrenchment committee was irreducible and if the Government accepted those recommendations, it is then easy for any non-official member to agree to any further taxation required to meet the expenditure. If this is not so, naturally any member would be unwilling to support any measure of taxation. The report of the retrenchment committee, I think, has not only a bearing on our future discussions on demands, but it has got a greater bearing on the impending taxation. I, therefore, submit that the most important task before the Government is the report of the retrenchment committee. It is their first duty to consider it and to tell us how have they accepted the recommendations that concern them only. About the recommendations which do not concern them, they should try their best to expedite decision on those points from the higher authorities. It has been truly said that minor items have been accepted and major items are under consideration. I would, therefore, particularly request the members of the Government that when they make their speeches, they will be pleased to clarify the issues before this House. I mention this today particularly because if they choose to speak on their subjects when the budgets of their departments are discussed, they will be too late. If they make their statements today, we should be able to know how far they have been able to meet us, and in course of time when their budgets are before us we should be able to discuss the points again when the demands are under discussion.

***Rai Rajeshwar Bali :** Sir, year after year we have found almost every member of the House congratulating the Hon'ble the Finance Member and the Finance Secretary for their very able and lucid exposition of the

* Speech not revised by the honourable member.

[Rai Rajeshwar Bali.]

budget and still we find ourselves in a financial chaos. The same thing more or less has been repeated this year and many of us have prefaced their remarks by the offer of congratulations, though they have followed it by stating that the present is a gloomy and featureless budget. Sir, if I congratulate the Hon'ble the Finance Member it is not for any able or lucid exposition of the budget, but because I find that the present budget differs in at least one respect from its predecessors, particularly the last year's. We find that undue optimism does not pervade in this budget and that a serious attempt has been made to face the realities of the situation. Some honourable members have complained that the action taken by the Government over the recommendations of the retrenchment committee does not go far and that far too many matters are still under consideration or under discussion with higher authorities. I for one cannot blame the Government for that, because if we read between the lines we will find that in almost all matters which come under this category their powers are limited and they cannot take any action unless they receive the previous sanction of the higher authorities. Sir, as I said, the present budget compares favourably with the last year's and of the years before in this respect that a more definite attempt has been made to face the realities of the situation, and we could not expect less when we have got at the helm of our affairs such an astute financier as His Excellency the Governor, a Finance Member of the calibre of the Hon'ble Mr. Blunt and a Finance Secretary with the ability and experience of Mr. Teyen. When I say this I wish to bring out the fact that if, even after the presence of such brilliant men in charge of our finances we still fail to attain financial equilibrium, then I believe we would be perfectly justified in condemning the present system of financial administration, for we do not hope that we could get a better set of circumstances; and if even after this we find that our finances do not improve, then certainly there is something inherently wrong in the present system and the sooner that system is changed the better for all of us. I would undoubtedly offer my sincere congratulations to the Hon'ble the Finance Member for his elevation to the present office. As regards the budget I think we would be in a better position to do so when we find next year how far his anticipations have been realized and how far the provinces have started on the road to financial equilibrium. I hope that he would particularly see that his calculations are not upset by the enthusiasm of departmental officers, an illustration of which we found only the other day. I hope that the Finance department will not meekly submit to the vagaries, if I may say so, of those enthusiasts who are particularly irrepressible when they are dealing with a technical subject—I refer to the discussion over the hydro-electric scheme which we had here the other day. Secondly, I would wish that the Hon'ble the Finance Member and the Government would press for reductions in matters which relate to the all-India services.

Next I would congratulate the Government on appointing Mr. Teyen as the Finance Secretary, and when I do so I do not do it merely on personal grounds. They have, in fact, broken a precedent, they have broken a convention if it is not a rule. So far the Secretaries of the Government have always been members of the Imperial service, and I believe it is a happy augury for the future, when the Government decided that the best men available for the administration of a certain department

are selected not with regard to the service to which they belong, but with regard to their knowledge of the subject. I hope that this precedent will be continued and though I do not mean that the members of the Imperial services should not be appointed as Secretary, but whenever vacancies occur the best men available should be selected.

It would be unfair if I did not refer to the cut which the Government themselves made of about 55 lakhs of rupees in the present year's budget. This shows the extent to which the Government are keen on securing real economy.

Coming to the present budget I think, first of all, I should congratulate you, Sir, and the Deputy President for the voluntary cut of 10 per cent. in your pay. We all know that the salary of your office and that of the Deputy President was much higher some time ago and that the present salaries are considerably reduced. If in spite of these circumstances you have agreed to this cut, that bears a glowing testimony to your zeal for helping the provincial finances and to your public spirit.

Next, Sir, I would congratulate His Excellency the Governor, the Hon'ble Home Member and the Hon'ble Finance Member for the lead which they have given in the matter of voluntary cuts. In fact His Excellency, as will be found from the detailed estimates, has made several substantial cuts in other items of his household expenditure, besides a cut in his salary, and I hope that that good example will be followed by other people and a real campaign for economy will be undertaken. Sir, as has been pointed out by many speakers before me, we are indebted to the Hon'ble the Finance Member for his candour and frankness. After all, it does help towards a clear discussion when you find that many matters which ought to have been admitted at once are not admitted and you have to concentrate your efforts in establishing your case before them. In the present budget, one of such matters which has been facilitated in the discussion relates to the past mistakes of the present Government in the matter of financial administration. The Hon'ble the Finance Member has very frankly said that it is vain to deny that past budgets have been too optimistic and past expenditure too heavy. When he has already made that admission I need not labour at any length to show that only if the Government had been more wise in the past we would not have been in such a difficult position to tide over the present difficulties. However, as it is, I think we might follow his suggestion, namely, that we need not cry over spilt milk and we should see what we can do for the future. The Hon'ble the Finance Member has given us a scheme of retrenchment, by which he thinks that in the course of the next three or four years we should attain equilibrium. This scheme differs in some respects from the scheme which was adumbrated by the Retrenchment Committee. But I will not at this stage discuss the details of this scheme. I would only wish that his forecast may prove true. However, I might be allowed to refer to certain aspects of that scheme in a general way without making any attempt to criticize his figures. In the first place I find that adequate and sufficient provision has not been made for the appearance of any new disturbing factor. It is true that he has taken into consideration the fact that revenue remissions will be made next year also; but having before us our experience of the past, I think that it is quite likely, or at least possible, that some other disturbing factor may appear on the scene and his forecast may not be fully realized.

[Rai Rajeshwar Bali.]

Therefore, I am inclined to think that it would be much more safe if we continue to make more strenuous efforts to cut down our expenditure. Secondly, Sir, it postulates that many of the economies which have been recommended by the Local Government—of course of which we cannot have any exact idea but we can only guess from the statements which have been provided to us—will be accepted by the higher authorities, I mean the economies relating to the members of the Imperial Services. In this connexion all that I can say is that I hope that the Local Government will press upon the higher authorities the extreme desirability, not only desirability, but the necessity, of accepting those recommendations. In the matter of all-India Services we are in a position of a little disadvantage. What happens is that unless the various Provinces press for almost similar recommendations the Secretary of State is likely not to accept the recommendations if they relate to only one or two provinces, and it is a matter of common knowledge that, from the financial point of view, our Province is in a much more helpless condition than many other provinces. Therefore, it is quite possible that many of the recommendations which have been made by the Local Government having special regard to the conditions of these Provinces may not find acceptance with the Secretary of State, but what I wish to impress is that if the Local Government press their viewpoint with vigour, it would be difficult for the Secretary of State and the higher authorities to resist that pressure, and I hope that the Local Government will do it.

Another matter to which I may refer is that even if we accept the figures of the scheme which has been given in the speech of the Hon'ble the Finance Member, it would be difficult for us to make the two ends meet unless, I think, this emergency cut is extended for at least one year more. My reason is that they have counted as the Retrenchment Committee did count that the savings due to the abolition of posts and modification in the conditions of service will take effect at an early date. But suppose if they do not take effect at an early date that would greatly upset our calculations, and I think we must be prepared for the fact that this emergency cut may have to be extended for another year. At any rate, I would urge that this should be done unless we find that there is a very substantial improvement in our financial position. I need not remind the House that the scheme of the Retrenchment Committee calculated a saving of nearly 80 lakhs of rupees as a result of cut in salaries. According to the figures given by the Hon'ble the Finance Member we find that he does not hope to get more than 38 lakhs or in fact less than half of what we calculated. Of course, it was obvious that the savings would be considerably reduced when two major recommendations had not been accepted. In the first place, in our calculation we took into account a higher rate of cut for those who are drawing more than Rs. 1,000 a month and certain other modifications in the conditions of their service. In the second place, we recommended that if the previous recommendation was accepted, then the cut should apply to nearly all the servants of Government, excepting, of course, village chaukidars. Now, the former recommendation has not been accepted and the Government could not reasonably apply the cut to those drawing a certain minimum salary. Therefore, Sir, the result has been that instead of obtaining a saving of nearly 80 lakhs in a year, we shall get only about 38 lakhs, and in this 38 lakhs, I include the cut of about

5 lakhs in the educational grant. Sir, this is a very difficult question. On the one hand, retrenchment can be done in two ways. You can do it either by reducing the pay of the present incumbents or by abolition of posts. It is an admitted fact that only one method of effecting retrenchment will not do and we have, therefore, to adopt both the alternatives. But I think we have to maintain some sort of proportion between the two. After all, it is a choice between the lowering of standard of living on the one hand and adding to unemployment on the other. Unemployment in our country, particularly among the middle class, is of such an extent that we cannot ignore that factor altogether, and it is for this reason all the more necessary that we should pay due attention to the first alternative also. I am convinced that our salvation does not lie with the reduction of posts alone. We shall have to cut down the standard of living and reduce the salary. Unless that is done, we cannot hope to achieve financial equilibrium by the abolition of posts alone, because in my humble judgment the greatest danger to our ordered progress is to be apprehended from the unemployed middle classes. It is these educated or semi-educated people who when they are hungry must go about and create mischief for they have nothing to gain from the present state of things and they have nothing to lose if a change in the system comes. Therefore we have to guard against this state of things and in my view it would be better if the Government try to maintain a balance between these two methods of retrenchment. They should not go too far in the matter of abolition of posts, particularly those posts which relate to the employment of the middle classes of the country.

Then, Sir, the Hon'ble the Finance Member in his statement has referred to the fact that the Government are going to introduce a new system of the collection of canal dues by which a substantial saving of about three lakhs would be secured. I would ask him to let us have more information on this subject. I am aware of the fact that he cannot give us full details of the scheme which the Government are discussing with higher authorities as regards the reorganization of the district and headquarters establishment nor can he do so as regards the reorganization of the engineering services, but it would certainly facilitate discussion if he is able to throw more light on those subjects and I would request him to give us as much information as he can consistently with the rules in regard to these two matters because after all many of the cuts to be moved when the demands are presented must relate to those matters which come under his broad heading, viz. the reorganization of the district and headquarters staff.

I wish to ask him about one more matter and this is as regards the road fund. It appears that the proceeds of this fund cannot be utilized in the maintenance of our roads and that it can be used only in the matter of the improvement of roads. Now improvement of roads may mean either the extension of the present road system or it may mean the treatment of roads by better ingredients, e.g., by bitumen and so on. If these are the only objects on which this money can be spent, I think we may make some representation in this respect to the higher authorities. For after all for some time to come in the present state of our finances we cannot think of either adding to our road system or of treating the roads to any considerable extent with better material.

Lastly, I might refer to a proposal which has been made by the Hon'ble the Finance Member in the concluding portion of his budget statement;

[Rai Rajeshwar Bali.]

namely, to fund our deficit by loan. It is true that this is not a problem before us today as he has himself stated; it might arise in a year or two, but on general financial considerations I would certainly think that this is an unsound proposition for after all we must meet our deficits from our current revenue.

I may also make a request to you, Sir, and to the Government. It is unfortunate that many of us—about eight or nine of us—who are members of the Provincial Franchise Committee will have to meet during the budget discussions and it would be difficult for us to take part in the discussions for the whole day on those dates. I hope that the Government would accommodate us and you too, Sir, will be pleased to accommodate us in this respect. We propose to sit after lunch almost every day and if the cuts in some of which we are keenly interested are not taken in the strict order in which they find place on the agenda, we may be able to take some part in the discussions.

The Hon'ble the Finance Member : May I give a reply to this single point now ?

The Hon'ble the President : You had better do it later.

Nawabzada Muhammad Liaquat Ali Khan : Sir, if I cannot congratulate the Hon'ble the Finance Member for presenting a better budget, I can certainly appreciate his services and the services of his very able Secretary and Deputy Secretary and the other officers of the department for the pains which they have taken in the preparation of such a laborious task. The honourable member who has just spoken rightly expressed the appreciation of the Council for the voluntary cuts that have been made by His Excellency the Governor and other Members of Government. I think it would be just and fair if I mentioned that he omitted the Ministers from that list. Our Ministers have been taking a low salary for a number of years.

Rai Rajeshwar Bali : Then I would have congratulated myself.

Nawabzada Muhammad Liaquat Ali Khan : That is why the honourable member did not mention this fact. When we are aware that in the neighbouring provinces Ministers are drawing a much higher salary than our Ministers are doing and when they have accepted or have been accepting for some years nearly half of what is their due, I think it is but right that we should show our appreciation.

Rai Bahadur Babu Jagadeva Roy : Why should we not expect the same from the Hon'ble the Home Member ?

Khan Bahadur Maulvi Fasih-ud-din : He has already cut it down by Rs. 1,000.

Nawabzada Muhammad Liaquat Ali Khan : However, that was only by the way. That was an omission which this Council should not have made. Now, Sir, the honourable members who have spoken have practically covered all the ground that there is to traverse. The most important point seems to be the balancing of the budget. A lot has been said about the report of the Retrenchment Committee and the recommendations that have been made by the Committee. The Government evidently have not been able to accept a greater part of the recommendations that were made by the Committee. At the same time we must admit that the Government

have made an honest effort in the way of retrenchment. It is true that the financial state of affairs of this province is such that only by retrenchment they may not be able to balance the budget. But as the Hon'ble the Finance Member has said in his statement, the condition of the cultivator and the zamindar is pitiable. The new proposals for taxation are such which mainly affect these two classes. I am not one of those who would shirk their responsibility in taxing people further if it is found necessary. I think for the good of the province it is necessary and most essential that our budget must be balanced. But under the present circumstances and the conditions prevailing in the country further taxation can only be justified if all the avenues for retrenchment have been explored and the Government will have to satisfy this House that there is no room for further economy, that new taxation is necessary and it will be only then that the House will be prepared to support any proposal for further taxation. I hope that the Hon'ble the Finance Member will be able to say something on this point when he winds up the debate on this general discussion of the budget.

The Hon'ble the President : I may say that I propose to call on the official members to sum up or to try to reply, if they can try really, to the severe onslaughts made against the budget yesterday and today, at about a quarter to three or three o'clock. So that half an hour now and half an hour after lunch remains, that is one hour more for non-official members, and if they will try to break new ground rather than traverse that which has already been covered by others, a number of speakers can still put in their remarks.

Rai Bahadur Thakur Hanuman Singh : Sir, it has become a convention to begin one's budget speech by congratulating the Hon'ble the Finance Member, his Secretary and Deputy Secretary. Following that convention, Sir, I extend my congratulations to every one of them. If the budget is a deficit budget the fault does not lie with them wholly. They must have laboured hard to prepare the budget to be presented to this Council which, though not very satisfactory, cannot be said to be disappointing. Last year, Sir, the then Finance Member in his Financial Statement said that it was not the wish of the Government to make over charge of the Government of these provinces to the Government which might be established under the new constitution in an indebted condition. That hope of the then Finance Member seems to have been falsified. It is expected that before we reach the fifth year these provinces as well as the other provinces of India will get provincial autonomy and the Government will be transferred from the hands of the bureaucrats to the hands of the people of the country. The deficits which have been in existence for several years will continue till the advent of the new reforms. The Hon'ble the Finance Member has, in his statement, said that he would be able to make up the deficit within five years to the extent of two crores. Even then it will leave about a crore to be made up. Unless the cuts in salaries and other cuts are allowed to extend to more years than one this hope of the Hon'ble the Finance Member will not fructify. Had the recommendation of the Retrenchment Committee been accepted by the Government, that all Government servants receiving a salary of Rs. 1,000 and below should get 10 per cent. less than they were getting, in that case Government would have got a larger sum than it has got today to meet the shortage of funds. The reason why

[Rai Bahadur Thakur Hanuman Singh.]

the Government did not accept the recommendation of the Retrenchment Committee appears to be that they could not impose higher cuts on salaries of those who were drawing more than Rs. 1,000 a month. And so they thought that if servants getting more than Rs. 1,000 got a cut of 10 per cent, only it would be unfair to reduce the salaries of those getting a certain minimum amount as salary. I think, Sir, the Government servants getting Rs. 1,000 and over could have borne a higher cut than 10 per cent, easily as well as those receiving a salary of less than Rs. 1,000 without much difficulty and hardship to them could have borne a cut of 10 per cent. Sir, the expenditure has increased on salaries at a rate much more than in any other direction. Therefore, if the cut will stop after a year the finances of the provinces will again be in a much worse condition than they were last year. Here I will suggest, Sir, that those servants who might have completed a service of 25 years or so may be asked to retire so that their places may be taken by servants receiving smaller salaries and the new appointments be made on much lower salaries than those on which appointments have been made hitherto. In this connexion, Sir, I would point out to this honourable House that it should urge on the Government that the cuts in salaries should not cease to exist until the reductions in the nation-building departments have been made up. On reading the Financial statement I can presume that the restoration of the financial condition in which the nation-building departments were a year before is not in the mind of the Government. This is most essential for the uplift of the country and for the relief of economic hardships of the people. Sir, provincial resources consist of land revenue, revenue from Stamps, Excise, Forests and Irrigation and other minor sources. Let me inform the Council and the Hon'ble the Finance Member that their collection of the revenue during the current year will be very poor. The kharif crop has been bad. The rabi crop appears to be good, but owing to the rat pest and also because of there being no rain, it has suffered a good deal in certain areas. These circumstances, combined with the cheapness of grain, will prevent the cultivator from paying his rent in full as also in time. The Government should therefore be ready to give relief to the tenants and to the zamindars during the budget year. Moreover, owing to the bad crop the income under "Stamps" and "Excise" will also go down a good deal. As for Irrigation, I am not in a position to say. The other source of income is capital received, i.e., the recovery of loans from the cultivators and local bodies. Here also the collections will be less. This brings me to another matter. We all know that Government are thinking of bringing forward legislation with a view to imposing fresh taxation. I should not be misunderstood here, for I am neither supporting it nor opposing it. At the same time Government are considering measures of relief to the agriculturists and so far as I know are very solicitous of them. Indeed, the Government have appointed a committee to devise a scheme, which if adopted would give some relief to the zamindars and to the tenants. Then, Sir, the provisions under Agriculture department, the Industries or Education department, and under the Public Health department have been reduced. I wish to know, Sir, how these things are consistent. On the one hand the Government thinks that the people, especially the agriculturist class, are poor; on the other hand, it is proposing taxation; and thirdly it has reduced the provisions for the departments which are for the improvement of agriculture, industries, public health and education, without which the

agriculturists and other people cannot improve their lot and bring about their uplift. To my mind, Sir, these things are not consistent. You want to tax the people. You want to help them in their economic trouble. And you want to take away from them the means for their improvement and uplift! Sir, here I will suggest to the Government to take such measures which may do real good to the cultivators. It is that class which is at present in a very bad condition. Unless special measures are adopted to help that class, I venture to think, Sir, that the condition of that class will continue to go from bad to worse. With your permission, Sir, I may suggest that the Government should adopt measures to prevent the enhancement of land revenue, enhancement of rent for some length of time until the condition of the tenantry be improved, to grant to the tenants better rights on the land which they cultivate, to take relief measures with a view to reduce their indebtedness, to advance loans to them to improve their agriculture and to improve their cottage industries, and to do some other things which may be helpful for their progress and betterment. The departments of co-operative societies and agriculture should be pressed to see that they work in such earnestness that their existence be felt by the agriculturists and they may prove useful to them. Sir, the Hon'ble the Finance Member in the course of his financial statement has said that the growth of expenditure is a matter of knowledge and that the growth of revenue is a matter of faith. I daresay, Sir, that the expenditure has risen from year to year in the full knowledge of the Government. It was for the Government to see that the expenditure was growing heavier every year and it was for it to check it. Had it checked it, the provinces would not have come to such a financial difficulty in which they are at present. The growth of revenue is a matter of faith. This faith has always been based on optimism which was never realized. Government ought to have taken lesson long before this, and had they taken lesson the condition of the province would have been much better than what it is today.

Sir, I have read the Statement supplied to us by the Financial Secretary showing the action taken on the Retrenchment Committee's report by the Government. In many places it is said that the matter has been referred to higher authorities. Reference to higher authorities may be of two sorts—a mere reference

Rai Bahadur Kunwar Surendra Pratap Sahi: Sir, I rise to a point of order. Is there a quorum?

The Hon'ble the President: There is a quorum. The honourable member may go on.

Rai Bahadur Thakur Hanuman Singh: . . . and a reference with earnestness. I cannot believe that if the Government be earnest to bring about certain changes in the administration of this province, the higher authorities will have any reason to refuse to grant the request; but a half-hearted reference may or may not be granted and sanctioned. Therefore, Sir, I have to request the Government to take up the retrenchments which they on their own authority cannot bring about with earnestness and zeal, and I hope and trust that their voice will be successful and that their recommendations will be accepted by the higher authorities.

The Council was adjourned for lunch at 1-25 p.m.

[Rai Bahadur Thakur Hanuman Singh.]

After the recess the House re-assembled at 2-15 p.m. with the Deputy President in the Chair.

Kunwar Jagbhan Singh: I will make a few observations at this late hour of the day because almost all the points have been covered and every point has been touched by the previous speakers. The discussion on the budget is not very interesting because it is rather prosaic dealing with figures. Now this budget is a peculiar one. I have marked that the honourable members of this House have observed a convention of congratulating the Hon'ble the Finance Member and the members of the Finance department and at the same time criticised them for the deficit in budget. I do not see how it was possible for them to praise and then to criticise. With regard to the budget I have to say this much that the Hon'ble the Finance Member has put in great diligence and resourcefulness and has tried to incorporate in it some of the recommendations of the Retrenchment Committee. We expected that almost all the recommendations would be accepted and the deficit would not appear. It is on this point that I congratulate him for the sympathetic and broad view which he took and also his able Secretary and Deputy Secretary in giving affect to some of the proposals of the Retrenchment Committee. But the fact remains that the budget is still a deficit budget. If they wished they could have at least balanced the budget because the recommendations suggested by the Retrenchment Committee were very modest and the Government have accepted the principles outlined in it. It is 12 years since the inauguration of the reforms and it is a fact that since then we are having a continuous series of deficit budgets. If the Hon'ble the Finance Member who is the leading expert and who knows each and every detail of the subject could not adjust the budget, it is difficult how his successor would be able to carry on the administration when the reformed constitution is given. After the inauguration of the reforms many items of expenditure were increased, and when the new instalment of the reforms is given, much more money will be spent because a democratic institution means expenditure and most of the departments are created which necessarily require money. Therefore, it would have been very proper that prior to the handing over of the departments to the popular control, we would have been at least in a position to carry on the work without a deficit. However the facts are that we are not in that sound position. Now the fact remains that after so many constant warnings by the honourable members of this House, the Government did not take care and did not think it proper to carry their suggestions into effect. It was in the year 1923 that a Retrenchment Committee was appointed. Most of the recommendations of that committee were shelved and when again a crisis more acute than the previous one occurred, it was thought fit to appoint another Retrenchment Committee. If the recommendations which were contained in the Fremantle Committee's report were all taken into account, I daresay today we would not have been in such a position to have another Retrenchment Committee, and the financial condition of the province would have been on a sound basis. Then also there were so many factors after the appointment of that committee which were quite unprecedented and none could dream that such a rapid change in the circumstances would occur, because the sudden fall in prices and the economic slump which not only affected our province but almost all the European countries,

affected our land revenue very much. I admire the candour with which the Hon'ble the Finance Member has admitted that we have been very optimistic in estimating the revenue and under-estimating the expenditure. If we had not been so optimistic in previous years, the budget would surely have been on a sound basis, because if I am right, the budgeted receipts for land revenue were 7,00,35,000 in the year 1930-31, and when the revised estimates and actuals were taken into consideration it was much less than that. Thus the year 1930-31 closed with a clear deficit of 68 lakhs and we had to borrow to adjust our balances. Now the current year 1931-32 is still more disastrous, because in the budget we expected that we would receive 15 crores, whereas we have received only 12½ crores. Thus there is a clear deficit of three crores. Now the question is how to balance this deficit of three crores. Almost in all the sources of revenue we have a reduction. The land revenue is almost halved and the excise and other sources of revenue have also greatly diminished. So the only thing which we can tap now is retrenching the top-heavy expenses, which so many honourable members have touched upon, and also to reduce the superfluous posts which we have got. The Retrenchment Committee succeeded and thought that they would secure about 135 lakhs from 1931-33, but still there remains 70 lakhs of deficit. In order to meet that there are only two alternatives left to us,—Retrenchment in establishment and taxation.

With regard to retrenchment, there are some proposals, in the memorandum supplied to the honourable members, shown as under the consideration of the Government of India. I want to make it clear that it is the definite opinion of this House that the proposals which are under consideration and the final sanction for which rests with the higher authorities are most important. These proposals involve considerable saving and concern the superior listed posts and the officers of the Imperial Services, which take away most of the money. Therefore I must submit, Sir, that all possible efforts should be made to see that they are carried into effect. It is no use cutting down merely small items of expenditure, such as chaukidars or other menials. If higher posts are not touched and only small posts are abolished, this will create dissatisfaction. Those who are getting high salaries can easily spare even a big sum from their salaries, but to poorly paid officials the utility of money is very great.

There is another recommendation of the Retrenchment Committee about the abolition of Commissionerships. It has got a long story. Since the inauguration of the Reforms members of this House have been pressing that the posts of Commissioners should be abolished as they are superfluous. This was the recommendation even of the Fremantle Committee, which was composed mostly of the officials. They considered that this post was redundant and for the time being they recommended that at least five posts must be kept in tact. We should abolish at least five Commissionerships. This is not a new recommendation. We have got the sanction of the Retrenchment Committee of 1923 behind it.

I have got one or two more suggestions to make. The post of the Secretaries in the Transferred departments to my mind is quite redundant, because the head of the department can easily carry out the work. At the same time Ministers should be given some more work, and as a matter of fact they ought to be more painstaking. I see no necessity of incurring expenditure on Secretaries.

[Kunwar Jagbhan Singh.]

I should like to say something about University education. Most of the members have touched on the subject. University education is essential, but what is the good of manufacturing graduates and M. As. who cannot find any employment, and who acquire peculiar notions about the standard of living. They do not like manual labour and are simply a waste for the Nation. They are as a matter of fact lost to the country, as they are of no use.

So we must not incur to much expenditure on higher education, which requires maintenance of very highly paid staff. There is one item in the budget, I mean the post of Vice-Chancellor. The Vice-Chancellors of almost all the universities are very highly paid officers and at the same time they have not much work to do. They sometimes come to office only for an hour or so and do very little work. I think we can easily get persons who can work as Honorary Vice-Chancellors. Of course, if it is found necessary, they may be paid certain allowances and in this way a large amount of money can be saved.

With regard to taxation, I think that even if we succeed in getting all the proposals of the Retrenchment Committee accepted, we cannot avoid some fresh taxation, but we have to bear in mind that the people of this country are extremely poor and they are already taxed to the utmost extent of their capacity to pay. In fact, they are in almost starving condition and most of them hardly get even one meal a day. It may be said that this is an exaggerated statement of fact, but if you turn to any of the census reports or to any other report for the matter of that, you will find that every one of them shows that the population of this country, and specially that of this province, is very poorly fed. In the circumstances, if you burden them with further taxation, it is not fair. As a matter of fact they will not be able to pay any more tax. It is, therefore, very necessary that we should find out some such tax as may not fall heavily on the poor people. Most of our population is agricultural and they have not enough even to pay their rents, and the result of further taxing these people will be courting great discontent. Therefore when we consider any taxation proposals, we have to consider them very cautiously and carefully. In the meantime we have to see that the proposals of the Retrenchment Committee are given as full an effect as possible so that our financial position may improve.

Rai Bahadur Munshi Awadh Behari Lal : Sir, a good deal has been already said about the budget and the retrenchment and there is very little left for me. As a member of the Retrenchment Committee I must thank the Hon'ble the Finance Member for an earnest effort that he has made in carrying out retrenchments. There are many things about which there would be difference of opinion. It is a pity that the cut in salaries which was suggested by the Retrenchment Committee was not accepted by Government to the fullest extent and the result is that the province has lost a saving of more than 40 lakhs. We also expected that the deficit would be made up by means of abolition of certain posts, but the gap has been left unfilled and we have a larger deficit than would have been if all those proposals had been accepted. I cannot say that the Government has not made a sincere effort to make retrenchment. We are not yet aware what the ultimate decision would be about the matters which are still under negotiation and, as several of the preceding speakers have urged, those

retrenchments ought to be forcibly pressed to the higher authorities and if they are not sanctioned, then the province would never be able to regain an equilibrium.

I wanted further to draw attention to essential defects in the mode of budgeting and of the general administration. The history for the last ten years shows that we have been budgeting not on normal income nor on income which lean years might bring us, but on the maximum income from revenues as derived in some of the years. I have read the discussion on the Meston Committee's report. Of course it burdened us unnecessarily with a contribution to the Government of India which the resources of these provinces were hardly able to bear and this has been the cause of the deficits in the initial stages of this decade, but the figure of revenue which was then calculated by the Meston Committee and the estimate of expenditure which was put by them at a certain figure were on the fair side. If we had accepted the expenditure at the figure then worked out (about ten crores)—and our income was estimated at $12\frac{1}{2}$ crores—a budget on that basis would have been more sound. My idea is that we cannot budget on the basis of averages unless we have bumper years in the beginning and whatever we save is carried on as a reserve for lean years to come. It is a peculiar system on which we are working. We leave a minimum balance for carrying on for a month or two of the next year, but we have no reserve to meet any contingencies like the one which the province is faced with now. There was formerly a famine relief fund which was fixed at 2 crores, 37 lakhs, but the demands of the province would not brook that big amount to be accumulated and we pressed and pressed till it was reduced to 55 lakhs and from that 55 lakhs we have been drawing every year for making up the deficits. Other countries like France and America boast on their gold reserve and we boast on the minimum balances to be carried forward to the next year. The poor cultivator who is the fountain of all our revenues pays us all that he can possibly save even by living on small rations and with half the covering for his body and in bad years either on account of failure of crops or cheapness of grain as now he expects some relief from the exchequer. But then where is the treasury that can give him help. Where is any reserve to give him any assistance. The popular view is that in times of distress Government and the Government treasury should come to the help of the poor, but they do not know what the Government treasury means. So my idea is that the budget ought to be framed on the basis of the lowest income and not on the income of bumper years and a reserve ought to be created for use in times of deficit, and that reserve could have been very well maintained if the old Famine fund would had been slightly differently named. That 2,37 lakhs was not required for famine relief. It should have been agriculture relief fund or deficit relief fund or reserve fund or any sort of thing like that. Further, it was not a good policy at all to have no reserve whatever for future requirements. Then, Sir, it has been clearly made out that if the agriculturist suffers, the whole revenue falls. The situation in this year was that prices of grain had fallen, but simultaneously with it income from stamps has fallen, income from excise has fallen, income from forest has fallen, income from imports has fallen, income from trade has fallen and income from everything has fallen. So that it clearly demonstrates that the failure of the agriculturist is the failure of every department of Government of trade and of other sources of income. Every source of revenue falls by the failure of the agriculturist. The condition of the agriculturist has been exposed threadbare

[Rai Bahadur Munshi Awadh Behari Lal.]

by the distress in which he has been placed for the last year and a half. There is the testimony of revenue officers, of zamindars, or moneylenders and of others that the tenant has nothing to pay his rent with and has nothing to live upon. Government has been devising measures after measures to protect his crops from attachment for rent and from execution of decrees. So that he is reduced to a condition that if one crop fails, he is not able to pay rent and he is reduced to the state of bankruptcy altogether. We have been engaged in devising means to relieve his indebtedness but the best measure is to better his condition to establish his solvency. With these rents as they are raging, he cannot possibly remain solvent. My idea is that the rents which the tenants are paying are based on the basis of half the produce to the zamindar and half the produce to the tenants including all the expenses of cultivation and his own subsistence for the year. My idea is derived by a comparison with the grain rates where they are prevailing. I have seen that in some districts, for instance, Bahraich there are large areas under grain rents where rents on the grain basis are very much lower than the cash rents, prevailing in the same locality in the same district. These grain rents are *adh batai*, i.e., the zamindar takes half of the total produce, and if that division of the actual produce brings an average rent of Rs. 4 per acre whereas the cash rents are about Rs. 8 and Rs. 9 per acre, then it is certain that these cash rents are very much higher than half the share of the produce.

It is, I think, merely theoretical to say that the rents are based on the average of $\frac{1}{4}$ or $\frac{1}{5}$ of the produce. In real fact they are very high. The rents being high and unrealizable the position of the zamindar is also difficult. If he does not realize all the rents he cannot pay all the revenue, and that has been very forcibly demonstrated in the last year or two. The zamindar is in a worse plight because the tenants are not supporting him, because the future régime does not bring him any prospects of relief and because the Government regards him as merely a thekadar to collect revenue for them. I think it behoves all the three parties, the tenant, the zamindar, and the Government to put the rent on a stable basis. I think if the zamindars are content with a stable rent and give up the prospect of future uncertain enhancement or fall in precarious years, then the best method would be to fix the rents at a reasonable figure and to make them permanent. People feel very much alarmed at the name of a permanent settlement, but I think that is the best solution. I was thinking that these reductions in rent and revenue which have been allowed in the last year would be best made permanent. If the rents are brought down to a reasonable figure commensurate with the ordinary productive power of the soil within the means of the tenant in lean and fat years and then the revenue is adjusted according to those rents, many of the difficulties would be solved and for the future there would be stable revenue and peace between the landlord and the tenant, and most of our troubles would be at an end. If Government take courage and accept the principle of making a permanent settlement on fair rents it would be a very great boon and give very great stability to the finances. I think the precarious condition of the tenantry will be realized and something substantial done to relieve him from this condition of insolvency. With these few words I resume my seat.

The Hon'ble the Minister for Local Self-Government: Before I deal with the criticisms and the suggestions made by the honourable members,

I would like to offer my thanks to them for the courtesy and consideration they have shown in criticizing the departments over which I have the honour to preside. As regards the departments controlled by my colleague he will deal with them, but he cannot but be at one with me in offering his thanks also for the great consideration and moderation shown in dealing with his departments.

I would now at once proceed to deal with some of the points raised by the honourable members. My friend the member for Meerut, Nawab Jamshed Ali Khan, desired that more dispensaries should be opened in accordance with the Elliott Scheme. Nothing could have given us greater pleasure than to have been in a position to give effect to that scheme with greater rapidity.

Unfortunately instead of providing for increased expenditure in furtherance of the scheme we have had to curtail it. The amount allotted for this purpose has been Rs. 90,000; it has been reduced to Rs. 70,000 and in the coming year it will have to be further reduced to Rs. 50,000. This is the gloomy aspect of the thing. Nothing could have been more painful to us on the transferred side than to see this, but by sheer necessity we have had to apply the knife in every direction wherever we felt it possible. As honourable members are aware, necessity knows no law and the first thing we have to do is to see that we balance our budget, that our finances do not get into such a sad state that we may be absolutely in a state of bankruptcy beyond recovery.

He also referred to the scheme of subsidizing medical practitioners with a view to induce them to settle in rural areas. Unfortunately this scheme has not been a success. I suppose it is partly due to the fact that there is not much inducement for these people to settle down in rural areas and further to the fact that we have not got enough money to try the scheme on a larger scale. That we have not been able to do much in that direction is entirely due to the extreme paucity of funds and not to any lack of desire on my part.

He also referred to the question of appointing lady doctors in rural areas. The same remarks also apply to this also. However, as far as possible, we are extending the maternity and child welfare work to villages with the limited resources at our command, but to incur further expenditure in that direction is beyond our power.

He touched on the question of communications and the very important question of financing local bodies in connexion with the maintenance of communications. Honourable members are aware that Government have a cut and dried scheme to help local bodies to the extent of 50 per cent. of the expenditure towards the maintenance of roads if they are prepared to provide another 50 per cent; but this scheme has had to be kept in abeyance in view of the financial stringency, the calamitous financial stringency that is staring us in the face. The question of communications in rural areas, I may tell honourable members, is further receiving our consideration and we are going to make sifting inquiries as to how we can possibly give relief to local bodies and help them in any way, bearing in mind our present financial difficulties.

(At this stage the Hon'ble the President took the Chair at 3 p.m.)

He also touched upon the question of what he termed "double taxation" in town and notified areas. This question also is receiving

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the attention of the Government. We have made inquiries from the local authorities and we shall be making further inquiries from the local bodies and when the inquiries are complete then we shall carefully consider the whole problem.

Rai Rajeshwar Bali : Inquiries as regards what ?

The Hon'ble the Minister for Local Self-Government : As to whether exemption should be accorded to notified areas and town areas so far as the circumstances and property tax and other taxes go.

Rai Rajeshwar Bali : Has not the Government considered it on its own merits? I do not think there is much to inquire about.

The Hon'ble the Minister for Local Self-Government : Well, opinion may differ but it seems to me that it is a very important question. On the one hand we cannot ignore some hard cases where the notified and town areas have been saddled with heavy taxes. On the other hand it has also to be borne in mind that after all these town areas and notified areas are paying these additional taxes for the special amenities that they enjoy in those particular areas. It is not that that money is spent all over the rural area. In fact whatever sums the local bodies might be raising at present must be absorbed in the notified areas and town areas only on the maintenance of roads and supplying medical aid and various other activities in connexion with sanitary arrangements and scavenging and so on and so forth. So it is obvious that this matter is not free from difficulties and it is necessary to invite opinion from the local authorities as well as from the local bodies before we take any definite decision. My friend the member for Pilibhit said that we could very easily at once dispense with the services of two Inspectors of Registration because after all when we could dispense with the services of subordinate service men certainly we could easily dispense with the services of two inspectors as recommended by the Retrenchment Committee. With regard to this I may inform the House that at present we have got five inspectors, holding one already in abeyance. These inspectors have to inspect the 28 offices of registration, apart from the fact that they have to scrutinize documents and also to check stamp duties and make investigations that are entrusted to them by the Director of Registration. These appointments which were made only two or three years ago were made with a view to meet the general demand in this House that their number should be increased. The consideration that weighed with honourable members was firstly that it was absolutely necessary that through a process of inspection we should put a stop to corruption and secondly to add to our income. Their presence has undoubtedly been responsible for addition to our income in this direction. But for their presence I am certain that there would have been a tremendous fall in the income of this department.

Rai Rajeshwar Bali : Does the Hon'ble Minister accept as true the remarks made in the summary of action taken on the report of the Retrenchment Committee, namely, "Reduction of two posts accepted. Posts to be abolished as vacancies arise"?

The Hon'ble the President : It would be much better if the honourable member put his question at the end of the speech,

The Hon'ble the Minister for Local Self-Government: I am glad that the honourable member for Bara Banki has put this question to me. What I meant to say was that in this matter I could not accept the recommendation of the Retrenchment Committee straightaway by dismissing the men in question at once. I submit that as these posts will fall vacant we will hold them in abeyance and will not fill them. In this respect also we have met the recommendation of the Retrenchment Committee to the farthest extent possible.

I now pass on to the point raised by the honourable member for Aligarh. He made a complaint that funds allotted to the Pisawa dispensary had been diverted to other purposes by the Civil Surgeon. All I can say at this stage is that I shall make inquiries in the matter, as I am not at present aware of the exact position.

Then, my friend, the honourable member for Muzaffarnagar, Rai Sahib Lala Anand Swarup protested against a reduction in the number of travelling dispensaries. Here also with a view to meeting the wishes of the Retrenchment Committee we have had to reduce 13 dispensaries out of 45. It is indeed very painful to find that in the transferred departments we have had to plunge the knife deeper than we could otherwise tolerate, and for this the Retrenchment Committee are responsible.

My honourable friend, the member for Bijoor, feared that the policy of the Government now was not to give subsidies to dispensaries. As honourable members are aware, it is impossible for us to help with funds in the establishment of any new dispensaries, but those that have been receiving grants-in-aid from the Government will, as far as possible, continue to do so in the future also.

These were all the points raised by honourable members. If I have omitted any, I have no doubt that honourable members will raise them again when the budget of the respective departments comes up for discussion in the Council, and I hope then to be in a position to satisfy them to the fullest extent possible. At the present time I do not think that I shall be justified in detaining the House any longer. I have already dealt with the points which had been raised in the debate yesterday and today. I have to say this much more that I hope that the honourable members will realize that we on the transferred side have effected economy to the farthest possible limit, and I hope that when our departments come up for consideration they will treat them as generously as possible because we have really not only in some cases gone further than the recommendations of the Retrenchment Committee but have really in some cases gone dangerously to the limit which may affect seriously the efficiency of the departments. (One honourable member: starvation!). Undoubtedly starvation. Bearing this fact in mind I hope they will realize that there is little scope for applying the axe on different departments so far as the transferred departments are concerned.

Rai Rajeshwar Bali: If I remember aright, the point raised by Mr. Ram Bahadur Saksena as regards these posts of Inspector of Registration was that why in these cases a differential treatment had been meted out to them, namely, why the recommendations of the committee had not been accepted and why it had been suggested that the posts be abolished as vacancies arise. The Hon'ble the Minister tried at first to defend the continuance of the posts on their merits; and later on when I raised that point, he said that he had accepted the recommendations as far as he

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could. What I wish to know from him is that why this differential treatment has been meted out in this case from that shown in other cases.

The Hon'ble the Minister for Local Self-Government : The reason why we have not been able to give immediate effect to the recommendations of the Retrenchment Committee in this direction is that it would be a false and a bad economy. Instead of making any saving, we should probably be losing four or five or even ten times as much as the saving by abolishing these posts immediately.

Rai Rajeshwar Bali : Does this not mean that the reduction was unjustified on its merits? Then why has the Government accepted this proposal?

The Hon'ble the Minister for Local Self-Government : Well, as I have already said, it is simply because we wanted to go to the furthest possible limit to meet the wishes of the Retrenchment Committee. It is that consideration which has weighed with me and has been responsible for my agreeing to this proposal. Otherwise probably I could make out a good case for the abolition of no posts at all in the interest of the revenue.

The Hon'ble the Minister for Education : Sir, I must join with my colleague who has just spoken in thanking the members of this Council for the great consideration they have shown us in discussing the departments entrusted to us. They have let us off very gently. I have copious notes of all that they have said, and in these I do not find a single item which really calls for a reply now. They have no doubt made various suggestions which we have noted and in regard to which we will see what we can do. In a general way they have referred to the leeway which has to be made up in the matter of girls' education, rural education and primary education. We are quite conscious of the backwardness of education in these departments, yet with our depleted exchequer we can do very little just now. In the matter of girls' education the Council must know that we have a committee consisting of women going into the whole matter. We shall wait for the recommendations of that committee and then there will be the question of funds.

With regard to University education some members have said that we are spending too much. Well, that is a legacy from the past. We cannot now at this stage starve the universities. We have made cuts as far as we could and we do not wish to impair their efficiency. We have, however, a committee of two officers of Government inquiring into facts which might give us valuable information as to possible economies. One member has referred to the undesirability of not linking the Co-operative department with the Agriculture department. I might inform the Council here that we are entirely at one with him.

In the departments entrusted to my care there are several institutions the expenditure on which required to be looked into, for example the Technological Institute at Cawnpore, the Agricultural College at Cawnpore and the Thomason College, Roorkee. We have had committees of inquiry going into them, and when the reports of these committees come to me I will go into them and cut down the expenditure as much as possible.

I must not forget to thank the Finance department presided over by my friend, Mr. Blunt. He has shown the greatest consideration in dealing with the demands of transferred departments. Not a single reasonable

demand of ours has been turned down, and also further in the matter of retrenchment he has not pressed us to give up a single thing which we wanted to keep. Of course retrenchment is a very awkward thing. We have had to submit to it as it was a case of sheer necessity.

The Hon'ble the Home Member (Nawab Sir Muhammad Muzammil-ullah Khan): Sir, at the outset I submit that I may be excused for my speech in broken English. As most of the honourable members know I have never been educated in an English school. The second thing I submit is that it is well known to everybody here that I have always been coming and going as a temporary man. It is for the first time that I am going away in the middle of the Council. This time I came here only for six weeks and I have therefore not much information so far as the budget is concerned. What I can say is that all that has been said by the honourable members has been carefully noted and will be brought to the notice of the permanent Home Member, and I am sure he will try his utmost to meet the wishes of the honourable House.

I have been in the local Council and the Council of State for about 16 years, that is to say I have become a *maurusi* member with occupancy right. My experience is that when we criticize the Government we think that our criticism is taken very bitterly and the officials do not like it. But since the time I have occupied the office of Home Member I can say that we all feel very much obliged to our non-official colleagues who give us good suggestions and good advice. Their suggestions and criticisms are always very helpful and I can assure them that we receive them with great pleasure and regard. Of course we are members of a joint family and our Finance Member is the *karta dharta* (the senior partner). He is responsible for all that is to be given to us and for all that is to be taken back. But anyhow we are ready to share our responsibility with him and we are trying our utmost to meet the wishes of the honourable colleagues so far as it is possible for the Government.

I wish, now, to briefly reply to the remarks of my honourable friends with regard to my portfolio. I wish to thank my friend the honourable member for Farrukhabad that he has been so very kind and so full of sympathy for the police that he said that we must get some employment for the teachers of the police schools who have been dismissed. The Inspector-General has promised that he will see that they are not dismissed at once, they will be going gradually, and then they will be taken in some other place?

My honourable friend Nawab Jamshed Ali Khan said that we must do away with all the inspectors of police. It is well-known to my honourable colleagues that we have curtailed the number of police inspectors from 90 to 60. This is the first step we have taken and we will see how it works. If we find that it is possible to curtail further we will do so. There will perhaps be now one inspector in one district instead of having two or three. So we wait and see what is the progress of future reductions.

Then my honourable friend the Rai Bahadur of Cawnpore said something about abolishing the posts of the Deputy Inspectors-General of the police. Well, Sir, the population of our beloved country is fortunately increasing, and unfortunately crimes are also increasing and most unfortunately the present time of some little *garbar* is not ripe to do away with all the efficiency and strength of the police and one will dismiss them all at once if there is no necessity for them, but I feel that there is not

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only absolute necessity but it is essential to keep them; and in case of having such an enormous army of police force, we must have somebody to inspect them. The poor Inspector-General, whom I would call a *Babu Sahib* because he has so much desk work, cannot go everywhere in every district to inspect. I quite remember, Sir Robert Dodd when he went for the last time to some districts, he told me that those were the districts which he had not inspected for a long time. So if the Inspector-General is not able to inspect all the places in a course of a year or so; there must be someone else to inspect them. As to how many of them there should be, that is a matter which will depend on the circumstances as I have already submitted, if circumstances so permit, there may be some decrease in their number. My honourable friend from Bijnor who is a Hafiz and who has learnt the Koran by heart; made an eloquent speech by-heart. So he is a Hafiz in a mosque as well as a Hafiz here in this honourable House. He alluded to the buildings of the big kotwalis. He said that the money has been spent for magnificent kotwalis, but, Sir, they have been built only in big towns and big places which are worthy of those big buildings. But I must submit to him that both as Home Member and as a private individual I have been and seen many of the districts and I have found the state of the buildings for the police in a very poor state. In some of the barracks it is impossible to live in. Only for the sake of economy we have given up lakhs of rupees which were needed for the erection of new buildings. Therefore, so far as the building programme is concerned, we have made the greatest possible economy in the Police department. To be brief, as we are going this afternoon to some other place from labour to refreshments, I will only submit, Sir, that the cut in the Police demands this year amounts to about 12 lakhs of rupees. The cut in salary accounts for 2½ lakhs and the other sources account for 9½ lakhs. We would have made more cuts if we could possibly do so, but I consider the cuts made the greatest achievement, and we have done the greatest *Bahaduri* by meeting the wishes of our friends here.

Sir, Police is a department which is always criticised and which is always looked upon with unkind feelings, because in every walk of life they come across some man whom they stop from doing something, and so they are naturally looked upon with disfavour. If my honourable friend the Inspector-General would excuse me, I think the position of the policeman is not only of barking but also of biting. But however they are our own men, they are responsible for our safety, at night time when we are asleep, the policeman is the person who looks after us and watches over us. Of course there are people who are not of good behaviour, but this is not the fault of the department. It is the fault of mankind. Whenever anything of this kind is brought to the notice of higher authorities, a proper enquiry is made into the grievance and dealt with. Our present Inspector-General has got an extraordinary experience, having been in an Indian State for a long time, and he knows the feelings of Indians very well. He is one of the most efficient police officers and one should safely think that the efficiency, discipline and good behaviour of the police, is in most competent hands.

It has been said by some honourable members that the Executive Councillors have shown great generosity in accepting a voluntary cut in

their salaries. Yes, we have done a little bit but there is nothing exceptional in that. The whole service is doing that and we did our quota. But in this connexion I must bring to the notice of the honourable members the good example set by the Hon'ble Ministers. As far as I know ours is the only province where Ministers have accepted so little honoraria—I cannot say salary, it is honoraria. They have inherited this from their predecessors, Nawab Sahib of Chattari and Raja Parmanand Sahib, who committed the error of accepting Rs. 3,000 instead of Rs. 3,333-5-4. Again, Sir, the Nawab Sahib as Home Member gave up Rs. 1,000 a month from his salary long before the cut in salaries came.

I should now say goodbye to our President from whom we have all received consideration and kindness and to all my friends here, as I am going, and this is the last thing that I have to say. (No, no). My heart is full and I cannot express my feelings of gratitude not only to my colleagues on this side of the House but to all the non-official honourable members of the House also. I say good-bye, good luck and God-speed to you all.

Mr. C. St. L. Teyen : Sir, I am grateful to the honourable members for the many kind words they said about me. Otherwise my task this year is a small one, for the Secretary deals with points of detail and the members did not and indeed could not raise many such points.

There was some misapprehension in the minds of many honourable members that the historical memorandum was intended to show that our main difficulties at the present time arose from the Meston Award and the contribution imposed by that award. If per chance the wording of that memorandum was responsible for that, I must apologize because I am responsible for the wording; there was never any intention of showing that the award was responsible for the present condition of provincial finances. It did raise difficulties, and very severe difficulties too, for several years, but the immediate cause of the present difficulties was stated very clearly by the Hon'ble the Finance Member in his budget speech.

One point raised by my friend, Rai Rajeshwar Bali Sahib, relates to the use of the petrol or road fund for the purpose of maintenance and repairs. This petrol tax, it should be remembered, is in the nature of a self-denying ordinance imposed on motorists by themselves in the form of an additional tax of two annas per gallon on petrol, but the condition accepted by the Assembly was that the proceeds of that tax were to be devoted entirely to the improvement of communications used by motors. Accordingly the Assembly laid down the condition that the proceeds of that tax were to be controlled by a road development committee and the share out of the proceeds of that tax allotted to a province has thus to be spent under the directions of that committee on improvement of roads, which means conversion of kachcha roads into pukka roads or reconstruction or widening or general improvement. It is true that the question of using this fund on this occasion for maintenance was considered, but the effect of using it temporarily for maintenance would be that we would be diverting trust money to repairs and that diversion would have to be made good. In other words we would be taking another loan, and I understand the Rai Sahib is himself opposed to taking any loan for that purpose.

Shaikh Muhammad Habib-ullah : Will you have to pay interest on it?

Mr. C. St. L. Teyen: No, Sir.

Another point on which I wish to make things clearer is the debt position. I do not wish to minimize or to underrate the amount of our debt liability, but at the same time it is well to be quite clear as to what the figures really mean. More than one honourable member said that our debt amounted to 24 crores. Well, Sir, if they mean the original amount of debt as given here on page 21 of the memorandum plus 4 crore of the United Provinces loan, that is correct, but a good deal of that money has been paid back. The amount outstanding including the United Provinces loan is $19\frac{1}{2}$ crores, but such a statement is by itself incomplete. Of this $19\frac{1}{2}$ crores nearly 10 crores represents money spent on the Sarda Canal inclusive of about a crore and a half on the hydro-electric scheme. I presume there are very few honourable members in this House who would not regard that as a good and sound asset. Again a crore and a half represents money which we took for taqavi advance or loans to local bodies.

Actually the amount of taqavi and loans from local bodies which we can recover amounts to $2\frac{3}{4}$ crores, so that our asset here of $2\frac{3}{4}$ crores is far in excess of our liability of $1\frac{1}{2}$ crores. Exclusive of these two classes, the debt comprises the United Provinces loan plus $3\frac{3}{4}$ crores for unproductive debt; and of the United Provinces loan itself about $1\frac{3}{4}$ crores is covered by securities of the Government of India held by the Controller of Currency. I do not say that the debt is not heavy, but it is not so bad as the mere statement of 24 crores would imply.

Khan Bahadur Maulvi Fasih-ud-din—he is not here—mentioned that he hoped that Government would be lenient with retrenched officials and would give them some kind of relief. The question has not been overlooked and indeed I expect in a very few days that some general orders on the question of relief, compensation or whatsoever you may call it, to any officials who may be retrenched will be issued.

The other point which I am required to say a word about relates to salaries. I think one member who raised it overlooked the fact that the Government have accepted the recommendation that there should be reduced salaries for future entrants and the Hon'ble the Finance Member in his budget speech stated the ultimate saving on that account as 75 lakhs. One case which came before me the other day and it relates to only one part of a big department will alone give $7\frac{1}{2}$ lakhs and there are many others that will come to the Finance department in the course of a month or so. Finally, if I may, I venture to make a personal statement, for it is not for me to make a statement on this point on behalf of the Government. There seems to be an impression that retrenchment has been inadequate and that the Government do not recognise of its inadequacy. Well, I do not think that that is a fair statement considering that the Hon'ble the Finance Member on behalf of the Government has said distinctly in one part of his budget speech that it must be made clear that the process of retrenchment is not going to stop. Actually in the two days that the budget discussion has been carried on, two items, not very big but nevertheless two items of retrenchment, have been noted by my department. Also the honourable members of the Council have received this report by a committee presided over by the Hon'ble the Minister for Education about the Roorkee College which means a saving somewhere about $\frac{1}{2}$ of a lakh. There are many other such items under

consideration. The difficulty has been to get things done in time. Members of the Retrenchment Committee will realize that all last summer after the initial cut had been made by the Government in essential items, departments were fairly busy in supplying them with material. The Committee had to digest this and to formulate their conclusions. Their report only came to Government at the end of November and things since then have moved undoubtedly fast. The process will continue, and indeed unfortunately my last year of service is likely to be passed in retrenchment first, retrenchment second and retrenchment last.

The Hon'ble the Finance Member : Sir, lest I forget it I will first refer to the remark made by the leader of the opposition regarding the discussion on demands which will commence from day after tomorrow onwards. He is the President of the Franchise Committee and they will meet practically more or less every day, I think, until the end of the session. And that takes away several important members. He asked that the motions should be so arranged that the important ones came in the morning so that they might be able to speak on them. I have only to say on that Sir, that I am absolutely and entirely in your hands. We on the Government benches, will be prepared to take up any particular motion at any time when you may call it and consequently Rai Rajeshwar Bali has got to do nothing but to make his arrangements with you. We will take up anything that comes before us whether it is out of place or in place. We have had a good deal of history in this debate. There was an excellent speech from Rai Bahadur Babu Vikramajit Singh who traced the history of our misfortunes with remarkable fairness and accuracy. There were a good many other speeches of the same kind. I will only refer to one, that of Khan Bahadur Hafiz Hidayat Husain, who struck a more personal note. He apparently wished to know how far I was personally responsible for the misfortunes of the past. This is a difficult question to answer. I can hardly answer it without referring to other officers who have now retired and some of them are dead. But I am going to remind him that there is a difference between preparing the budget and presenting it. Finance Secretary is one thing and Finance Member is another. I am now in a position to influence the financial policy of the Government. But I should like to ask, Sir, what is the use of all these historical disquisitions. We cannot gain anything by it. Let the dead past bury its dead. Let us look forward rather than backward. The future will give us plenty to do. There is nothing to be gained by making historical reviews of the past. As Mr. Teyen has stated just now this is a budget of retrenchment. As now presented it is going to be further retrenched; and the process of retrenchment is not going to stop. Now, Sir, the first point that I wish to emphasize is a mild complaint that some people would not read the material that is supplied to them. This I did before on several occasions. There were several speakers who pressed strongly for particular reductions to be made which were actually shown in the list as already made. I think it is hard that they should press us to make them a second time. The general complaint was that only small things had been done, and only small posts had been abolished and no big things had been done and no higher posts had been abolished. Well, I admit that there is a certain amount of truth in that so far. But the answer is perfectly simple. The small things are easily done and the small posts are easily abolished. The difficulty comes when you

[The Hon'ble the Finance Member.]

try to do something big, which requires consideration, and to abolish a high post, when you have to deal with higher authorities who have the right of decision. Somebody said, quoting myself, that Government's hands were tied. Well that is approximately correct. The position is this. As soon as we have made recommendations to higher authority we are no longer seized of the case. It is the higher authority who is seized of it, and if we give away our recommendations before that authority has had a chance of deciding, we are going to embarrass that authority. Supposing I were to write to the honourable leader of the opposition and tell him that I thought his tenants were rack-rented, and suggest that he should do something to put it right, and that afterwards I made a statement to the Council that his tenants were rack-rented, and that I had asked him to do something—what would he think? Would he not have just cause in feeling aggrieved? After all he would be the only person who has a right to act and if I gave the whole business away he would be annoyed, and rightly so. That is precisely the position in which we are with regard to the Government of India and the Secretary of State. I will say this much. In the first place the House will notice here a good many cases in which the question is shown as under discussion with higher authority. I want the House to understand that that means that the case has been finally considered by this Government and well, it is *under discussion with higher authorities*. I leave it to the House to put in the middle step. There is only one case that has been rejected and that if I may say so will always be rejected whilst I have a say in the matter). Quite a number of cases, mostly belonging to the transferred departments, are still under examination. I think one or two of those have since been decided but I am not quite sure. But evidently the position is that this Government has done everything it could with that report. It has gone through every single item, it has come to decisions and made recommendations or taken action on every item except those marked as still under examination. As regards details, I can only suggest that the honourable members should use their own undoubtedly sufficient wits. My words in the speech are plain. They were carefully chosen. There is one particular statement that has been quoted quite a number of times by various speakers, that we have explored all the obvious avenues. I suggest that the House should consider what are the obvious avenues. Any avenue which you consider is obvious has been explored. I do not honestly think I can say very much more than that. The honourable leader of the opposition made a certain number of very important points. The first was that we should press higher authority to ensure economies in the All-India Services. I can assure him that we will press higher authority to make to the full all the economies that we have recommended. I would also remind him of another statement in my speech, that there are going to be reduced scales of pay for all services whatsoever.

He again suggested that some of our recommendations might have to wait for a long time, because they would have to be accepted generally for all provinces. That is true in the case of one or two, but many, included all that are really important, can be dealt with without any reference to any other province whatsoever.

Another point he made was that we should press for the emergency cut to be kept on for another year as delay in other changes might upset our

calculations. Of course, that is a possibility; on the other hand there might *not* be any delay in accepting the other changes, and also the revenue position *might* generally improve. There is always a possibility of the emergency cut being imposed for another year, but I do not think that we need talk or trouble about that just at present.

There is yet another question, and this is the most important question that anybody has raised, namely the matter of balancing cuts in pay and reduction of posts, and the effects of retrenchment on what we may call middle class unemployment. That is a point which has caused me a good deal of hard thinking, and it is rather perturbing. All I can say at the moment is that we are taking the utmost care in reducing posts to cause the least amount of suffering to the persons concerned. In two or three large departments, which will have to go *en bloc*, we have arranged that the dismissed clerks should be taken into vacancies in other offices, to which they will have the first claim. The House has heard from the Inspector-General of Police what is being done about police teachers. Generally speaking, the same is the case all round. When we have to abolish a post we try to do it in a manner which will avoid hurt to any particular person, or at all events, to minimize that hurt. Terms for compensation are about to come out; they might come out any day. As for the unemployment committee suggested by my friend Mr. Brijnandan Lal, I do not think that at the present moment it is absolutely essential to have such a committee, but it is certainly a possibility which I intend to keep in mind and, if necessary, to act upon. At the present moment I think it is too early to trouble about it.

The honourable the Leader of the opposition—I must come back to him—wanted to know what that cut about Irrigation was which I mentioned in my speech. I am sorry I did not explain it at that time. I thought I had done so in another connexion and that anybody would recognize what it was. It is the result of substituting direct collection by Government for the present system of collecting through lambardars. We have to pay the lambardar a considerable fee,—considerable to us, though he may perhaps think it is small. We can collect at a very much cheaper rate. Roughly we can collect Rs. 2,500 direct for Rs. 44, instead of Rs. 117 which would have to be paid to the lambardar. The House will see that there is a very considerable saving. I estimated it at three lakhs, but I am inclined to think that in a good year it may be more.

As regards the General Administration cut I think I have told him all that I can. But I will say once more to the House, “wait and see”; and when the House does see I am sure it will be entirely satisfied. There have been a number of minor points of all sorts raised from canal rates to tahsil havalats. All I need say about them is that I shall make a note of them when I get the speeches and shall look into them. The last point I have to refer to is this. Many speakers have endeavoured to impress on myself my personal responsibility for the financial prosperity of the province. All I can say is that my aim is to hand over the finances next year, or the year after,—whenever it happens in as good a state as I can manage to the Minister who will then succeed me. How far I shall be able to achieve my object I cannot say, but I will do my best; and I look to the House to help me. With the good will of Government behind me, and the knowledge and skill of the Finance department beside me

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and the sympathy of the Council around me, I think that I have a fair chance of success. I would just end by thanking honourable members of the Council for all they have said about me personally. I only wish I deserved half of it.

The Council was then adjourned at 4 p.m. till Monday, 29th of February, 1932.

LEGISLATIVE COUNCIL, UNITED PROVINCES OF AGRA AND OUDH.

Monday, February 29, 1932.

THE Council met at the Council House, Lucknow, at 11 a.m.
The Hon'ble Sir Sita Ram in the Chair.

PRESENT (93).

The Hon'ble Mr. E. A. H. Blunt.	Chaudhri Ram Adhin.
The Hon'ble Captain Nawab Sir Muhammad Ahmad Sa'id Khan.	Mr. Bhondwa.
The Hon'ble Nawab Muhammad Yusuf.	Chaudhri Bharos.
The Hon'ble Mr. J. P. Srivastava.	Pandit Shri Sadayatan Pande.
Mr. J. M. Clay.	Rai Bahadur Babu Jagadeva Roy.
Mr. H. A. Lane.	Mr. Dahari.
Mr. P. Mason.	Rai Rajeshwari Prasad.
Mr. V. N. Mehta.	Rai Bahadur Thakur Shiva Pati Singh.
Mr. F. Canning.	Thakur Giriraj Singh.
Mr. J. R. W. Bennett.	Pandit Prem Ballabh Belwal.
Mr. A. H. Mackenzie.	Thakur Jang Bahadur Singh Bisht.
Mr. J. N. L. Sathe.	Pandit Brahma Dutt <i>alias</i> Bhaiya Sahib.
Mr. R. D. W. D. Macleod.	Rai Bahadur Thakur Hanuman Singh.
Mr. C. St. L. Teyen.	Lal Sheo Pratap Singh.
Rai Bahadur Pandit Suraj Din Bajpai.	Kunwar Diwakar Prakash Singh.
Mr. S. S. L. Dar.	Thakur Muneshwar Bakhsh Singh.
Khan Bahadur Saiyid Ain-ud-din.	Thakur Jindra Bahadur Singh.
Mr. E. F. Oppenheim.	Raja Jagdambika Pratap Narayan Singh.
Mr. K. N. Knox.	Lal Ambikeshwar Pratap Singh.
Mr. S. T. Hollins.	Rai Bahadur Kunwar Sutendra Pratap Sahi.
Mrs. J. P. Srivastava.	Rai Rajeshwar Bali.
Khan Bahadur Maulvi Fasih-ud-din.	Mr. Zahur Ahmad.
Mr. E. Ahmad Shah.	Syed Ali Zabeer.
Rai Sahib Babu Rama Charana.	Khan Bahadur Mr. Muhammad Abdul Bari.
Mr. Perma.	Syed Yusuf Ali.
Rai Bahadur Babu Kamta Prasad Kakkar.	Khan Sahib Muhammad Maqsood Ali Khan.
Chaudhri Ram Dayal.	Shah Nazar Husain.
Chaudhri Jagannath.	Captain Nawab Muhammad Jamshed Ali Khan.
Chaudhri Baldeva.	Nawabzada Muhammad Liaquat Ali Khan.
Mr. Tappu.	Hafiz Muhammad Ibrahim.
Chaudhri Ram Chandra.	Khan Sahib Muhammad Hadiyar Khan.
Chaudhri Ghasita.	Khan Bahadur Hafiz Hidayat Husain.
Rai Bahadur Chaudhri Raghuraj Singh.	Khan Bahadur Maulvi Saiyid Habib-ullah.
Chaudhri Arjun Singh.	M. Nisarullah.
Rao Bahadur Thakur Pratap Bhan Singh.	Khan Bahadur Hafiz Ghazanfarullah.
Rao Bahadur Thakur Bikram Singh.	Khan Bahadur Saiyid Jafer Hosain.
Kunwar Girwar Singh.	Shaikh Afzal-ud-din Hyder.
Pandit Joti Prasad Upadhyaya.	Muhammad Imtiaz Ahmad.
Chaudhri Dhirya Singh.	Shaikh Muhammad Habib-ullah.
Rao Krishna Pal Singh.	Raja Muhammad Ejaz Rasool Khan.
Honorary Lieut. Raja Kali Charan Misra.	Chaudhri Muhammad Ali.
Rai Bahadur Babu Brij Lal Badhwar.	Thakur Rampal Singh.
Rao Bahadur Kunwar Sardar Singh.	Rai Bahadur Kunwar Bisheshwar Dayal Seth.
Rai Sahib Lala Manmohan Sabai.	Rai Bahadur Babu Vikramajit Singh.
Kunwar Jagbhan Singh.	Babu Gajadhar Prasad.
Thakur Keshava Chandra Singh.	
Mr. Brijchand Lal.	
Rao Narsingh Rao.	

MEMBERS SWORN :

The Hon'ble Captain Nawab Sir Muhammad Ahmad Sa'id Khan,

Mr. J. R. W. Bennett.

Mr. S. S. L. Dar.

QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

*1 to *8. **Syed Ali Zaheer**: [*Postponed at the request of Government.*]

*9 and *10. **Syed Ali Zaheer**: [*Postponed at the request of Government till March 12, 1932.*]

*11 and *12. **Chaudhri Baldeva**: [*Postponed at the request of Government till March 12, 1932.*]

*13. **Chaudhri Baldeva**: [*Postponed at the request of Government.*]

*14 and *15. **Rai Sahib Lala Anand Sarup**: [*Postponed at the request of Government till March 12, 1932.*]

APPLICATION OF MR. R. SAIGAL OF ALLAHABAD FOR A PASSPORT.

*16. **Rao Krishna Pal Singh** (*absent*): (a) Are Government aware that Mr. R. Saigal of Allahabad applied on March 15, 1930, for a passport to visit England, Russia, Germany, America, Japan, China, France and Turkey? (b) Did the Government reject his application? (c) If so, why?

The Hon'ble the Finance Member (Mr. E. A. H. Blunt): (a) Yes.

(b) Yes.

(c) A passport was refused under the discretion vested in the Government by rule.

*17. **Rao Krishna Pal Singh** (*absent*): (a) Did Mr. Saigal again apply for a similar passport in August? (b) Was his application recommended by Mr. P. H. Measures, Superintendent of Police? (c) Was it again rejected? (d) If so, will the Government be pleased to state reasons for rejecting it?

The Hon'ble the Finance Member: (a) No.

(b) No.

(c) and (d) Do not arise.

*18. **Rao Krishna Pal Singh** (*absent*): (a) Is it a fact that Mr. Saigal applied for the third time on January 15, 1932, for a passport to visit East and South Africa, and gave an undertaking that he would not take part in politics outside British India? (b) Was the passport granted? (c) If not, why?

The Hon'ble the Finance Member: (a) Yes.

(b) No.

(c) On the ground stated in the answer to question No. 16 above.

*19. **Rao Krishna Pal Singh** (*absent*): Will the Government be pleased to state the reasons why it considers it necessary to restrict Mr. R. Saigal's freedom of movement to foreign countries in this manner?

The Hon'ble the Finance Member: No.

*20. **Rao Krishna Pal Singh** (*absent*): Do Government intend to reconsider the question of granting Mr. Saigal a passport now?

The Hon'ble the Finance Member: No.

*21 and *22. Kunwar Jagbhan Singh: [*Withdrawn.*]

*23 and *24. Kunwar Jagbhan Singh: [*Postponed at the request Government.*]

TREATMENT OF "C" CLASS POLITICAL PRISONERS IN MORADABAD JAIL.

*25. Sahu Jwala Saran Kothiwala (*absent*): Is it a fact that "C" class political prisoners in Moradabad District Jail are kept in the habitual ward? If so, why? 44 22-2-'32

The Hon'ble the Home Member (Captain Nawab Sir Muhammad Ahmad Sa'id Khan): A few "C" class prisoners were kept in the habitual barrack as there are only two barracks for casual convicts and the district jail was overcrowded. The superintendent has been directed to keep casual convicts apart from habitual convicts.

*26. Sahu Jwala Saran Kothiwala (*absent*): Is it a fact that one Ajudhya Prasad, R. No. 5414, was given the jail punishment of solitary confinement as well as the extraordinary hand punishment under which a prisoner is suffered to stand with his hands in cross handcuffs fixed to the wall? If so, why? 45 22-2-'32

The Hon'ble the Home Member: Yes. This prisoner was given separate confinement for various breaches of jail discipline, calling out slogans, refusing to sit in file and doing no work. He was given standing handcuffs for instigating other "C" class prisoners not to parade. The punishment was discontinued on his promise to behave properly in future.

*27. Sahu Jwala Saran Kothiwala (*absent*): (a) Is it a fact that Chhotey Lal, R. No. 5413, was awarded jail punishment of solitary confinement for only singing a song? If so, why? 46 22-2-'32

(b) Is it a fact that the said Chhotey Lal is a 10th class student of the Coronation Hindu High School whose examination fee had been sent up?

(c) Will the Government be pleased to consider the desirability of arranging for the said Chhotey Lal's study and examination in the jail premises?

The Hon'ble the Home Member: (a) This prisoner was given separate confinement for breaches of jail discipline, calling out slogans, refusing to sit in file and refusing to work.

(b) He is a student of the school mentioned. It is understood from him that his examination fee has been sent up.

(c) His application for permission to appear in the examination has been forwarded and recommended to the Secretary of the Board of High School and Intermediate Education. He is allowed to study in his spare time if he desires it.

*28. Sahu Jwala Saran Kothiwala (*absent*): Will the Government be pleased to lay on the table a copy of the report of the jail inspection by me on January 16, 1932? 47 22-2-'32.

The Hon'ble the Home Member: A copy of the inspection note is laid on the table.

(See Appendix A, page 440.)

UNSTARRED QUESTIONS.

1 and 2. **Mr. Brijnandan Lal** : [*Postponed at the request of Government.*]

DISCUSSION OF DEMANDS FOR GRANTS.**GRANT NO. 1. HEAD 22—GENERAL ADMINISTRATION.**

The Hon'ble the Finance Member : I beg to announce to the Council the recommendation of His Excellency the Governor that under the head of account—22—General Administration, transferred—a sum of Rs. 1,05,34,290 be granted, and I move that the same be voted.

Pandit Joti Prasad Upadhyaya : I beg to move that under sub-head "Head of Province, Executive Council and Ministers, F—Tour expenses," a reduction of Re. 1 be made.

The Hon'ble the President : I should like to draw the attention of the honourable member to the fact that the item in respect of which he wishes to make a reduction is "non-voted." That being so, no motion for reduction lies in regard to it.

Pandit Joti Prasad Upadhyaya : In making this motion for reduction my object was to offer criticisms on this item.

The Hon'ble the President : The honourable member had better take advantage of some other sub-head in that case. I am afraid he cannot make use of this sub-head to make out a grievance.

The Hon'ble the Finance Member : May I make a statement here, Sir ?

The Hon'ble the President : Yes.

The Hon'ble the Finance Member : I have to announce to the Council that my honourable colleague, the Nawab of Chhatari, proposes to take only Rs. 4,000 as his salary. That means a reduction of Rs. 16,000 in the budget. Owing to his absence we had put in the full amount. Now we will reduce it by Rs. 16,000. I offer him thanks on behalf of the Government.

Kunwar Jagbhan Singh : I beg to move that under sub-head "H—Ministers, 1. Pay of Ministers," a reduction of Re. 1 be made.

Before making any observations on this motion, I should like to allay any suspicion which might be lurking in the mind of the Hon'ble Ministers that I wish to move a vote of censure on them. Far from it. I wish merely to draw the attention of the House to the policy of the Government against which we have a grievance, and in which the Hon'ble Ministers have a hand. In the matter of nominations to local boards we must see that as the voters have been given free right to vote, the element of nomination does not vitiate that right and gives place to favouritism. In the District Boards Act there is a clause which says that two seats will be filled by nomination—one of a representative of the depressed classes and the other of a man of a community which has not been able to capture any seat in the general election. In actual practice what happens is that a Christian or a Parsi or a member of some such community for whose interest the clause is made, never finds himself nominated either in a municipal or in a district board and somebody else is nominated instead who has been able to

bring pressure to bear on the Hon'ble Minister. There are many examples of this kind which I could give. But I shall give only one and that is of the Konch municipality. In this municipality the one member nominated by Government is of a community which has secured the fullest advantage possible in the general election. It has also been seen that, in order to secure a nomination, facts have been distorted and fictitious caste recorded in the census papers.

For example, the man nominated in the Konch municipality is called Mukeri. I do not think there is any such class as Mukeri. It has been a general tendency on the part of the Hon'ble Minister who presides over this department to nominate those persons who have been able to put some pressure or some sort of claim, and to ignore the claims of those persons for whom such nominations are really meant. Now, Sir, this is not a negligible matter. If the Local Self-Government are the ladders from which we are going to rise up to the full stature of dominion status, it is very important to bear in mind that any sort of corruption which is going to creep in imperceptibly in the system of nomination ought to be checked at the very start. This is a grave danger menacing the claims of those persons who are unfortunately not in a position to manufacture any pressure or any sort of claim to approach the Hon'ble Minister. Therefore it ought to be the policy of the department that only those communities which have not been able to capture seats in the general election ought to be nominated. And then I find that in many district boards men from such a class as weavers have been nominated. Weavers are not quite a different class or community by themselves, and there is no necessity of nominating such persons. The Hon'ble Minister should see that only that class is represented which has not been represented already. Incidentally, I will touch on the question of pay. This morning it has been our gratification to hear that the Hon'ble the Home Member has still more reduced his pay. Now the executive side, as it happens to be constituted at present, is fortunately composed of men who are very wealthy and well-to-do. It is our fortune that they include men like the Hon'ble Minister who presides over the Education department. He is a multi-millionaire of Northern India. The next gentleman is the Hon'ble Minister for Local Self-Government. He is a big Nawab owning lakhs of acres of land. Both the Hon'ble Ministers can very easily acquit themselves of their charges quite satisfactorily by working honorarily and they can relinquish their pay at this juncture very easily. I know that they have a love for the work that they are doing and in the present financial stringency they can forego their pay at least for the time being. And this will show that they really love the country and are serving the cause of nationalism. They would be setting a very nice precedent to the office-bearers who might come after them that they contributed so much to the well-being of their country and tried to square the budget. The case would have been quite different if a man had been put in office who would not have been able to pull on without financial aid. The Hon'ble Ministers are in a very nice position to announce, after the example of the Hon'ble the Home Member, that they are going to relinquish their pay: and this would surely help the cause of the country. It would be a precedent for us to say that it was in this Council that the Hon'ble Ministers themselves chose to forego their pay and they set a precedent for others to follow.

[Kunwar Jagbhan Singh.]

With regard to the policy of nominations to boards I may submit that it is a general complaint in almost all the districts of the province. The Hon'ble Minister ought not to be impervious to public opinion and should not flout it in this respect. I am aware that representations have been made to him and he ought to have treated them in the manner in which such representations ought to be treated. I wish to make these remarks under this head.

Thakur Giriraj Singh : Sir, the intention of the honourable mover has been made clear by his speech. It is simply to elicit certain informations as regards the nominations to the municipal and district boards. As far as I am aware, the wording used in the Municipal Manual is something like this that one of the two nominated members may be one who represents the special interests also. So far as I know in some of the districts one of these two members was nominated to represent special interests. I saw in the Gazette published in the last month, if I remember aright, that in most of the districts one of the two nominated members belonged to the depressed and the backward classes. I cannot say definitely anything about the past years; but, so far as the present year is concerned, I shall quote the instances of only two or three districts to show that nominations have been properly made. So nobody can pick holes in those nominations. There may be some districts where proper nominations might not have been made. Take the case of my own district, Azamgarh. The man nominated in the district board belongs to the depressed classes; he is a Chamar by caste. In the municipal board of Azamgarh one washerman has been nominated. In Benares, one M. L. C., who belongs to the depressed class, has been nominated. In most of the districts either a Dhobi or a Chamar or one belonging to the depressed and backward classes was nominated this year. Sir, the difficulty in making nominations lies with every nominating authority. When the rules are themselves not clear, how can the nominating authority be accused of improper nominations in certain districts? This might be so in some particular districts, but if we take the case of the province as a whole—I am not saying this to please the Hon'ble Minister, but simply stating facts—the Hon'ble Minister has this year taken much more precautions in making nominations. We know that nobody in the world can be perfect. Man is imperfect. There might have been some mistakes of improper nominations; but I am not aware of those cases. The real purpose of the framers of the rule in the municipal and district board area, as far as I think, is simply this that as the members of the depressed classes will not be elected in the general election, so if the power of nomination will lie in the hands of one officer or nominating authority, in that case they might get a chance. This is why it was done by making amendments in the Municipal and District Board Manuals. It is clear that proper nominations were not made by the nominating authorities in past years, but by making these amendments I can say that this year we can pick holes in a very few cases. In one or two districts M. L. Cs. have been appointed. When I was reading the nominations in the Gazette, one gazetted officer remarked that one M. L. C. has been nominated to represent special interests. That thing may be criticized by some people, but what is the fault of the nominating authority—the Hon'ble Minister? The

people of the locality called a meeting, passed a resolution that such and such a man, who may be an M. L. C. and who was the secretary of the association, ought to be nominated. That resolution was sent to the nominating authority and I am informed that he was nominated. So as regards nomination my submission is that this year more care has been taken by the Hon'ble the Minister than in the past. I therefore oppose the motion.

Mr. Zahur Ahmad : I was very much surprised to hear the object of the motion moved by one of the prominent members of the Nationalist party, who, I believe, is the whip of that party, and who, if I am not wrong, has great respect for Mahatma Gandhi. Mahatma Gandhi has more than once declared himself to be a weaver, a class which, he said, will bring salvation to India. He has repeatedly said that the encouragement of cotton industry, the encouragement of hand-weaving, is the real and chief interest of the country which must be protected, encouraged and patronized. I am really at a loss to understand that my friend the mover has come forward with the motive to object to the representation and nomination of the weaving interest in the local bodies, I mean municipal and district boards.

Kunwar Jagbhan Singh : On a point of explanation. I did not say representation in this Council of the weaver class. What I meant was that the weaver class is not a class in itself. There are people of different castes who come under that class. The difficulty is how are you going to represent them.

Mr. Zahur Ahmad : My learned friend, Sir, ought to know that out of two nominations, one is reserved for the depressed class and the other is for a special interest not represented in any board. In view of this provision I may strongly assert that one of the most important and special interests of the country is the weaving interest which must be protected, encouraged and patronized, and in support of that I have quoted the man who, including the honourable mover, is considered by a vast majority of Indians to be the greatest living Indian. As such, I say and say with all the force I can command, that non-representation of the weaving interest in the local bodies is a matter which ought not for a moment to be allowed by the Council. The Hon'ble Minister, though he has made so many nominations which I do not myself approve of, yet I think one good and redeeming feature about his nominations is that he has nominated persons who represent the special and important weaving interest. The weavers do not represent a class, they represent an interest—a special and important interest of the country—and the Hon'ble Minister in trying to get that section of interest represented has done a service to the country and to his high office. No patriotic Indian should grudge the representation of the interest on which the salvation of India to a very great extent rests.

Bao Bahadur Thakur Bikram Singh : I value the motion from an economic point of view, that has been moved by my honourable friend and which is now before the House, but I really am not in a position to agree with the object of the motion, and consider this false economy. The honourable mover has laid special stress on two things, firstly, a reduction in the Ministers' pay. I might make it quite clear that I do not think that the Ministers' pay should be so reduced that they may really starve.

Kunwar Jagbhan Singh: No.

Rao Bahadur Thakur Bikram Singh: Already, according to the traditional reduction in their pay, the Ministers are getting what they really ought to draw and it will not be just on the part of the House to insist on any further reduction, because the Minister, whoever he may be, has got necessarily to keep up his dignity in the House as well as outside. If the House desires to maintain its own dignified position, I think it will not be in keeping with the prestige of the House to accept this motion and there I am not in agreement with the object of the mover. The honourable mover has put forward the example of the Hon'ble the Home Member, the Nawab of Chhatari, who voluntarily sacrificed a handsome amount out of his salary. This surely deserves the appreciation of the House. I suggest that this should be left to the personal disposition of the Hon'ble Ministers, and if I may be allowed, with your permission, Sir, I would call upon both the present Ministers to give us a statement showing their actual monthly accounts, and then, I think, it will be found that they are probably spending more than what they are getting. They have to come and have to remain here throughout the year working for us. They have to sacrifice their own domestic affairs, which otherwise they would not have liked to sacrifice, because one of the Ministers belongs to the zamindar community, and I know that the owner of property, when he is engaged on some other work, automatically suffers considerable losses in consequence. In view of these facts, Sir, I should insist and respectfully submit to the honourable mover that he should withdraw the motion.

Secondly, regarding nomination to the district boards. I can speak from my own experience that the Hon'ble Minister in charge has taken great interest in this matter and given it very careful consideration. I may put forward a few examples in which really those people have been nominated who deserve nomination on the boards. Coming to the case of my own district board of Aligarh, he nominated one depressed class Chamar, who is, perhaps, an educated man, and the other nomination was from the military class, which was entirely unrepresented on the district board. As such I see no reason why his choice should be interfered with. After all any authority, especially a nominating authority, has got scope of criticism; but facts have got to be seen, and if at all there are certain discrepancies, they may be set right by the Hon'ble Minister, but I would not challenge his authority or fetter his discretion. Then, Sir, I must bring another fact to the notice of the House that if in some cases,—of course fortunately or unfortunately I have not been nominated to the district board,—I am an elected member on the board. When M. L. Cs. represent depressed classes in this Council, they can very well represent depressed classes in local boards. Their constituencies consist of all sorts of people belonging to depressed classes, higher classes, Christians, and so on. So I do not see why an M. L. C. cannot represent depressed classes if he is nominated on the district board or municipal board. But if the House does not approve of this policy, that is quite a different matter. Personally I see absolutely no harm. I think the Hon'ble Minister in charge has taken great care in making nominations. With these words I ask the honourable mover to withdraw his motion.

The Hon'ble the Minister for Local Self-Government (Nawab Muhammad Yusuf): Sir, I regret very much that my friend, the member for Hamirpur, has thought it fit to make a complaint that nominations this year have not been made properly and that they have been done with

favouritism. He has cited a solitary instance of the Konch municipality, where, much to his disappointment, he finds that nomination has not been rightly made. I may at once inform the House that only men belonging to the depressed classes have been nominated. Now as to the question who are the depressed classes, that is a wider issue. The matter is receiving the anxious attention both of the public and the Government, and I leave that question entirely at that. I maintain that not a single nomination has been made where the nominee does not belong to the depressed classes, I mean the class which has not been treated so far by the Government as a depressed class. As long as that class is prepared to be allowed to be treated as a depressed class, it will be hard for Government to refuse to treat that class as such. Mukeri, I understand, is a depressed class in the Jalaun district. The members of this class collect cow-dung and sell it. Those people are treated as belonging to a depressed class and it does not lie with my friend the member for Hamirpur to turn round and say "Why have you treated him as a member belonging to a depressed class?" My only answer is that that class has always been treated as a depressed class. He was nominated last year as a representative of the depressed classes: he has simply been re-nominated. No other representation has been made from any direction and in the absence of any other recommendation this man has been re-nominated again.

As regards the wide terms of the relevant sections of the Municipalities Act and District Boards Act, I cannot help that. As the section is worded, it is open to the widest interpretation possible.

It is only right that it should not be given a restricted interpretation. It does not lie with me to call anybody a depressed class. Any class not represented on the board can claim representation. Obviously there are many classes which can claim representation on the district board, and naturally the discretion must rest with the Government to nominate a person belonging to any particular interest which is not represented on the board. It cannot be fettered. The Act does not fetter it at all and obviously the Minister has to decide which particular section of the community should be represented on the board. My honourable friend the member for Hamirpur seems to be under a misapprehension that the man nominated should actually belong to the depressed class. If a person claims to be a representative of a particular class, it does not lie in our mouth to say that he is not. We have simply to make sure that there is no representative on the board of the class which he claims to represent. That is the position in a nutshell. So I repeat again that the Government has been fully following the spirit of the section as amended, and, so far as the representation of depressed classes is concerned, it is not fair to say that men not belonging to those classes have been nominated. In fact men belonging to those very classes have been nominated. As to the question who belongs to the depressed class and who does not, it is a wide question, and the whole matter is under examination elsewhere and the public is giving very anxious thought to the whole problem. This is the position at this stage. Therefore it cannot be said that I have not made nominations in accordance with either the spirit or the letter of the law, as well as in accordance with the general demand of the public.

These are the only points, Sir, that were raised by my honourable friend the member for Hamirpur, and since I have replied to all of them, I need not detain the House any more on this subject.

Rao Narsingh Rao : Sir, I was under some misapprehension before as to the authority who had the power of nomination, but I am glad to find that the Hon'ble Minister has full power to make nominations as he likes and that he makes his nominations after full consideration of all the points, and I really congratulate the Hon'ble Minister on this. I thought the Hon'ble Minister could not nominate any person on any of the boards against the wishes of the district authorities, but, as I have already said, I am glad that he can appoint and that whenever he appoints any one, he gives his reasons for that. As regards the question who is a member of the depressed class and who is not, the Hon'ble Minister says that it is a large question. I think no one but the Government itself can explain who is and who is not a member of the depressed class. So far it was understood that those people, as the Hon'ble Minister has said in his speech, who collect cow-dung, and so on, are called depressed class people. The second reason that he gave was that any community which is not represented on a board can have one representative nominated. It is very fair and as far as the principle is concerned I do not think that can be refuted, but I think the question here is whether this principle is carried out or whether this power is abused ; that can only be certified by the facts as they are. I cannot say that as a general rule, but I would like to quote the example of my own district, the Etawah district. There are two nominations by the Government in this district on the district board and two nominations on the municipal board. These four seats are the seats for the depressed class people. In the district board there is a *Jatav*, viz., a Chamar, belonging to a class of men who, as the Hon'ble Minister said, collect cow-dung, etc. He holds his position as a representative of the depressed classes. The second nominee is a gentleman who is in no way a member of the depressed classes and I am sure he will take very serious offence if he is called as such. He is a high class Thakur,—a Bhadoria Rajput—the highest of that kind in the district. He himself used to be an elected member of the board. This year he got his friend elected, because he was an important man in the district. Then the question arose as to how he should be remunerated. In order to do that, he was nominated to the district board to represent the community which is, I think, from the Hon'ble Minister's point of view, the least represented. The Etawah district board has got 28 seats in all, 26 elected and two nominated. Out of these 26, four are Muslim seats and 22 are Hindu seats. Out of these 22, I am sure the Thakur community has got no less than six seats—at least more than four—and then this gentleman makes a further addition by being a nominated member. Now the municipal board comes in. For the depressed classes the father of the *Jatav* gentleman who is in the district board is a nominated member in the municipal board because no other *Jatav* or no other member of the depressed classes could be found throughout the district. That is why the father of this nominated district board member has been put on the municipal board by nomination. Now this *Jatav* gentleman is also a contractor in the district. Certainly if the son is in the district board, the father will be a contractor in the district board. If the father is a member in the municipal board, the son will be a contractor in the municipal board. That is undoubtedly certain. In one case the father and son represent depressed and other classes of the entire district and in another case there is another gentleman in the municipal board who also cannot be said to belong to any depressed class whatever.

Sir, this is the position, this is the practice and that is the principle which has been just mentioned by the Hon'ble Minister. I should have expected a reply to this question from the Hon'ble Minister in either of the two forms, viz., say fairly and freely as the case is that he is helpless. The district officers make these nominations and that he is there only to approve them. That, of course, would have given us some explanation. If not then the only other explanation could have been that he was sorry these things were not represented and therefore he did not know and could not say, and so on, and so forth. But the reply that these nominations are made on a certain principle and therefore the House must understand that these principles are carried out is really something which I do not know what to call. Certainly this is very scandalous and these nominations are in most cases made in a very unfair way. I therefore certainly would ask the honourable mover of this cut to press it to get an assurance from Government that no such abuse of power in future will be made in matters of this kind.

Rai Rajeshwari Prasad: Sir, with your permission, may I put a question to the Hon'ble Minister?

The Hon'ble the President: Yes.

Rai Rajeshwari Prasad: Does the Hon'ble Minister send for recommendations from the district authorities and generally accept them, and, in those cases in which he does not accept them, what are the principles for his rejecting them? I want a statement of policy.

The Hon'ble the Minister for Local Self-Government: The procedure usually is that the recommendations come up from the local authorities and we consider them. If we differ, we usually consult the local authorities and, as far as possible, make a nomination according to our own judgment.

Rai Rajeshwari Prasad: Sir, may I put another question?

The Hon'ble the President: Yes.

Rai Rajeshwari Prasad: Is it the judgment of the Government which is the final authority, or is it really the recommendation of the district authorities which is the guiding principle in these nominations?

The Hon'ble the Minister for Local Self-Government: Judgment of the Government.

Thakur Rampal Singh: In my own district in the district board a man belonging to the depressed classes has been nominated by Government. That depressed class person is a resident of an estate the owner of which was himself a candidate for the chairmanship of the district board. This is the second time that a nominated person was selected from the same estate by the Government. I do not know whether this nomination was made at the recommendation of the local authorities or imposed by some other source. As I have already said, this was the second time that a person from that estate has been appointed. No doubt he happens to be a Chamar, but I believe more educated men of the depressed classes could have been easily found. Not only this but other tactics were also adopted by the officials there. So much so that one of the superintendents of police deputed sub-inspectors and the kotwal to go and canvas for a certain man with the members.

The Hon'ble the President: That is an irrelevant statement. We are only dealing with nominations here made by the Hon'ble Minister.

Thakur Rampal Singh : I am sorry. I would like to know if the nomination of this man was made at the suggestion of the local authorities or at the recommendation of some other people. When a person is himself interested in the elections I think it is not fair for the Government to appoint the taluqdar's own tenants as nominated members.

Shaikh Muhammad Habib-ullah : Sir, from the speeches that I have heard, the honourable members who have just spoken since I have come here, appear to point out that the Government in the transferred department are not fair in making their nominations as regards the depressed classes. I have not heard a single voice from the depressed class people themselves as to whether they are or are not satisfied by the nominations which the Hon'ble Minister has been making. Now, Sir, these complaints are complaints of a party nature. These nominations do affect the interest of the parties in the local body. Well, Sir, members of the local bodies are persons who are connected with the members of this Council, and I think it is only natural and it will remain so even when the Government is entirely passed into the hands of popular control that the elections will be made on these lines. For instance, a Minister being a member of a certain party will have a power of nomination. He will give that nomination as desired by the members of his party.

Rao Narsingh Rao : On a point of personal explanation, Sir. That could have been argued if the question was between two depressed class people, one belonging to one party and the other to the other party. The point is not that. The case is that no depressed classes are represented. A man really from those classes is not there. I do not object to that . . .

The Hon'ble the Minister for Local Self-Government : Who are the depressed classes ? Please define them.

Rao Narsingh Rao : I do not say that. I say a man of the depressed class should be there, whatever party he may belong to—and there should not be any one else in that place who is not a representative of the depressed classes—not a Thakur or a Brahman.

The Hon'ble the Minister for Local Self-Government : There is no such case.

Rao Narsingh Rao : There is, as I said, in my own district.

Shaikh Muhammad Habib-ullah : The gentleman who spoke before me especially mentioned that the man was a depressed class man, but he was a tenant of the man who was standing for the chairmanship of the district board.

If I take the grievance of my friend who has spoken before me as the correct expression of opinion, I have got to reiterate what I had said before, that because that tenant was the most likely man to support the candidature of that gentleman, those who were against him did not like the nomination. It may be that that candidate who stood for election was one who has connection with the party to which the Minister belongs. If that is so, this sort of policy will remain anywhere. It is not only here ; it is common in every country where the party system is in force. Such being the case, I think that the nomination of depressed class members by the Minister who, he thinks, will be supporting the cause of those who are supporting the party cannot be taken objection to in any way. It is said that the depressed class people are deprived of their seats by the nomination of people who do not belong to the depressed classes.

But, Sir, so far as I understand, there are special interests which have got to be represented. We cannot call Christians depressed classes, but Christians are nominated because they represent special interests. As I said before, I have not heard a single word from any member of the depressed classes himself that he or any member of his class are dissatisfied with the nominations. I think, Sir, that this kind of criticism levelled at the Minister on token cuts of salary is anything but proper. I hope that members will exercise more judgment and better taste in bringing up resolutions of this kind.

Rao Krishna Pal Singh : Sir, after having listened to various speeches made by honourable members on the question of nominations made by the Minister to the district boards, I think that there is something wrong either in the provisions made by law which empowers the Minister to make nominations or in the nominations that have been made by the Minister. Instances have been quoted in this House today where members who are interested in one candidate or the other have been nominated. I do not say, Sir, that this was deliberately done; of course, it may have been done unknowingly, but I say that it would be proper to avoid such nominations. To nominate the tenant of a candidate for the chairmanship of a district board is certainly very unfair to the other party. I think, Sir, that this should certainly be avoided as far as possible. As regards the representation of certain classes, I think that there should be a clear rule laying down as to which class should be represented, so that there may not be any sort of misunderstanding in future. From what the Hon'ble Minister said, in reply to the mover and other speakers on this side, it appears that the rules are not quite clear. The provisions of the law authorizing such nominations are not absolutely clear, and I think it would be fair if such clear rules are framed and laid before the House and those rules are followed and nominations made in order to avoid these misunderstandings. Of course powers have been given to the Local Government to make such nominations in the interests of certain classes who cannot find proper representation in local bodies by election or for nominating people endowed with any special qualification. Therefore it would only be proper if clear rules are framed and they are acted upon. I think the Hon'ble Minister will let us know whether this will be possible. I wish to say one thing in reference to the speech of my honourable friend who has just preceded me. He thought that the members who were criticizing the Minister's actions were actuated by motives of party interests. Well, Sir, I do not think it is very fair. We could say the same thing as regards his speech. We could say that he was probably actuated by similar motives and was probably interested in the other party. I think, Sir, whatever criticisms are offered in this House are done by members as representatives of the entire class or community, and are done for the improvement of the entire community, and to say that any member here who has offered any sort of criticism has done so for the sake of some particular party in the district board is, to my mind, very unfair. Returning to the matter under discussion I think, Sir, the Hon'ble Minister should let us know exactly what he proposes to do in the matter.

Kunwar Jagbhan Singh : Sir, I heard with rapt attention the speech which my honourable friend, Mr. Zahur Ahmad, delivered and I specially appreciated the part of his speech when he waxed so eloquent over the name of Mahatma Gandhi and said he was

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surprised to know that a member of the Nationalist Party should come forward and criticize the weaver class. I wish Mr. Zahur Ahmad were half so serious in his remarks as he said just now he was. I have greater love for the weaver class than he pretends to have. But the point which I criticized was not actuated by any motive for any class whether it may be the weaver class or any class or some other class which is mentioned under the depressed classes; the point at issue was that the definite policy for safeguarding the interests of the classes for which the clause was inserted was not followed. Therefore the remarks which he uttered were very sentimental, and if I may be permitted to say so, were quite vapoury and insincere with regard to this motion. Now I come to the criticism levelled by my honourable friend, Rao Bahadur Thakur Bikram Singh, the honourable member for Aligarh. He struck a personal note in his speech. I regret to say that I am not so intimately acquainted with both Ministers here as he evidently pretends to be. He seems to be in the privileged position of examining their balance-sheets, which I am not. My case receives added strength from the argument that when the Ministers find that the pay which they get is not sufficient to meet their expenses they had better not draw any pay at all. The Ministers are millionaires and nawabs. They can afford to do without salary. The motion before the House, however, has no reference to the pay which the Ministers draw. The motion, as I pointed out in my opening speech, was brought forward in order to criticize the policy of the Ministers in the matter of nomination to the district boards. I leave it to the good sense of the Ministers themselves to decide whether there is a case at the present juncture for a diminution in their pay or for an enhancement. I had merely said that in view of the financial situation of the province we would value a reduction in their pay. Moreover, an act of that kind would set up a good precedent for the Ministers of the future to follow.

As regards the remarks of the third speaker, Shaikh Muhammad Habib-ullah, these have been already very ably refuted by Rao Krishna Pal Singh. Shaikh Sahib was really actuated by party motives when he spoke in defence of the Ministers.

Shaikh Muhammad Habib-ullah: May I explain that what I said was that in the matter of nominations the Minister was really actuated by party interests, but that I saw no fault in it?

Kunwar Jagbhan Singh: In the circumstances I have nothing to say on this point.

The honourable member for Etawah, Rao Narsingh Rao, when speaking strongly in support of my motion, put forward the whole policy underlying the system of nomination before the House from his own experience.

I heard carefully the speech of the Hon'ble Minister. I waited to see if he had any convincing reasons to give. But unfortunately as usual his speech was evasive and irrelevant. We on this side of the House are not at all satisfied with his explanation, when he said that his difficulty lay in the fact that it was hard to distinguish who really belonged to the depressed classes and who did not. The fact of the matter is that two seats are set apart for nomination. To these two seats only those persons should be nominated who have not had a chance of getting any member

of their community returned in the general election. Take, for example, the case of the Etawah board, where one Bhadariya Thakur was nominated. Is he a member of the depressed classes? Surely not.

The Hon'ble the Minister for Local Self-Government: This is a wrong statement.

Kunwar Jagbhan Singh: But the Hon'ble Minister did not contradict the allegation in his speech. What we want is that a clause should be inserted in the Act to the effect that in the matter of nominations only those communities who have not been able to secure seats in the general election should be taken into consideration. It does not matter whether these communities happen to be Parsis or Christians. The profession of a man cannot entitle a Hindu or Muslim to be nominated to these two seats, because both these communities get a fair chance in general elections. Therefore I say that the Hon'ble Minister ought to come forward and state a definite policy and say that in future he is going to see that only Parsis, Christians, Jews, etc., are nominated and not those persons who follow a definite avocation or profession and are Hindus or Muslims. Unless that definite answer is given to the motion before the House, I am sorry I am not in a position to withdraw the motion, because it is a persistent grievance of the general electorate. If I were to withdraw my motion without that definite assurance, it would show the hollowness or insincerity of convictions; and I would be prepared to withdraw it only if the Hon'ble Minister were to come forward and announce in clear and unequivocal terms the policy just enunciated.

The Hon'ble the Minister for Local Self-Government: If I have risen at all, it is with a view to give the fullest satisfaction to my honourable friend, the member for Etawah. He is obviously labouring under a misapprehension. I have nominated Sham Lai Jatewa, who is a Chamar. Honourable members must bear in mind that the Government make two nominations. One of these seats, according to the terms of the sections of the Municipal and District Boards Acts, as amended, is given to a member of the depressed classes; and I have strictly followed the spirit and letter of both the Acts. Now with regard to the other seat, let me inform the honourable members that there too I have followed the spirit and letter of these Acts to the fullest extent. No doubt, I have given it reasonably wide interpretation and it is only fair. It does not lie with me to say "I shall limit the interpretation to such and such class or community only." I make it a point that only a person of that class or community is represented which has not actually been represented. If there is a representation on behalf of a particular class that such and such person should be nominated, then it is only fair that that person be nominated, although he may not be actually belonging to that particular class which has remained unrepresented. Honourable members are aware that for these seats there are bound to be a very large number of representations from various directions, and the Minister has to do a very thankless task. He has got to use his judgment and he has got to make up his mind to give representation to one class or the other. It is sometimes very difficult to argue as to why such a class has been given preference over others. In fact it should not be open to argument and discretion should remain unfettered. Then my honourable friend, the member for Etah, said that some rule should be laid down very clearly. By whom? And for whom? After all I am the nominating authority. Should I lay down a rule for

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myself? He suggested something, which I do not think can be palatable to this House that some agency from above should lay down a rule as to who should be nominated and that it should be elaborately stated who should be treated as depressed classes. Definition of depressed classes is a thorny problem which is exercising the mind of the public and the Government both. The whole question is being threshed out, and when this is settled, there will be something to guide me. But so long as that question is not settled, it is open to me to exercise my judgment according to my best light. I can only rely upon my experience as to who have been so far treated as depressed classes. That is the only guide for me. It is not for me to turn round and say that I cannot have this man as a representative of the depressed classes, although he has been treated as actually belonging to the depressed classes. It is a very difficult question. The honourable members will recognize that it will not be possible to defend such an action. This question can only be settled when this point is decided as to who should be treated as depressed classes and who should not. It is only then that we shall have a clear guide . . .

Rao Krishna Pal Singh : Sir, may I explain the position?

The Hon'ble the President : That could be done later. Let the Hon'ble Minister proceed now.

The Hon'ble the Minister for Local Self-Government : My honourable friend, the member for Hamirpur, said that there was nothing convincing in the arguments of the Minister. If my friend refuses to be convinced, I am sure that there is nothing in the world that can convince him. The matter is not open to any kind of ambiguity or obscurity. The section is there. The interpretation put by me is there. I maintain that I have nominated only those who belong to the depressed classes. As to the other seat, according to the spirit and also the letter of the section—of course putting the wide interpretation on it, I have nominated those who could represent any particular class not already represented as such on the boards.

I think these were the only points that were made by the honourable members who spoke. I do not think I shall be justified in labouring the point further. I assure the House that I have very consistently and carefully borne in mind the question that I should not nominate a man who could not possibly be treated as one belonging to the depressed classes. With regard to the nomination for the other seat, the section, as it stands, gives unfettered discretion and I have got to use my judgment. I have already pointed out that there are obvious difficulties in deciding as to which particular class should get representation and which class should not. It is by sheer necessity of circumstances and my discretion has to remain unfettered.

My friend, the honourable member for Hamirpur, in one of those generous moods, has come forward to say that the Ministers are rolling in wealth and that they should give up their salaries altogether. I can assure him that, so far as my colleague and I are concerned, we can say just now on the floor of the House that we are prepared to accept no salary at all; but it is obvious that we shall be absolutely unfair to those who will be taking our places in future. From a popular point of view a proposition like that should not have been made so lightly. Then there is another question involved. Unfortunately here in India the dignity

of a particular office is always calculated in terms of salaries drawn. The honourable members are aware that we are entitled to take full Rs. 5,000 and odd and we of our own accord have, I personally for a larger number of years and my colleague for the last two years, not taken the full salary. We have been satisfied with a nominal Rs. 3,000 only. I may inform the House that after the deduction of income-tax and the house rent charges it comes in the neighbourhood of Rs. 2,300 only. I do not think I need put forward more arguments on this point. Honourable members of this House will be able to judge for themselves as to whether it is fair for me just now to get up and say that I am prepared to go without my salary or even reduced salary, while we have already gone a long way of our own accord.

There is another aspect of the question and that is this. Now we are carrying on between ourselves all the transferred departments and there is no third Minister. So we are doing all that lies in our power consistent with our dignity and also from the point of the public to save as much money for the Government as possible.

Rao Krishna Pal Singh: May I make my point clear. The chief point that I raised was not about the classification as to who were the members of the depressed classes and who were not. The chief point was that people should not have been nominated who were interested in one or the other candidate for the office of chairmanship of a local body. One instance of his was quoted by my honourable friend, Thakur Rampal Singh, and I will give the Hon'ble Minister another, the case of the board of Agra where a person was nominated . . .

The Hon'ble the President: That is another point. It is not a point of explanation now.

The Hon'ble the President: Is the motion being pressed? May I ask the mover what particular issue does he want to put before the House. Will you kindly put it in a proper form. Is it a protest, or inviting attention?

Kunwar Jagbhan Singh: Yes, Sir. I wish to draw the attention of the House to the unsatisfactory nature of the nominations made.

The Hon'ble the President: With that object the motion will be put. The question is that under sub-head "H—Ministers, 1. Pay of Ministers" a reduction of Re. 1 be made.

The question was put and negatived.

Kunwar Jagbhan Singh: I beg to move that under sub-head "Legislative Bodies, A—Provincial Legislative Council, 4. Contingencies, Total," a reduction of Re. 1 be made.

The aim of moving this motion is to draw the attention of the honourable members of this House to a great anomaly prevailing with regard to the grant of allowances, etc., to the members of the Legislative Council. The members of the Legislative Council are thought to be dignified enough and when they are granted first class travelling allowance, etc., and also daily allowance of first class officers, it is presumed that they are responsible to their dignity and that they wield as much importance as a first class officer in this respect. A great anomaly is prevailing with regard to the members who happen to be the local members, say the members for Lucknow. No daily allowance is granted to them because

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of the simple fact that they belong to Lucknow. Now, Sir, I cannot understand the reason why members who happen to be residents of Lucknow should not be granted daily allowance. They sacrifice as much time and convenience as the other honourable members who represent the different distant constituencies. Therefore they should be brought on a par with the other members who represent the different constituencies, and this anomaly must be done away with. I do not want to strike a personal note. I was greatly pained to know of a certain case which happened, viz., of a local member who did not vote for a certain gentleman, for whom a man who is in a high position wanted him to vote, and because of this fault his allowance was withdrawn. This policy is not a praiseworthy one. Every member of the Council, whether he be a local member or representing a far-off constituency, must have a daily allowance. A daily allowance is given as a token for the service, convenience, and time which a member sacrifices when attending sittings of this Council.

Pandit Joti Prasad Upadhyaya : I think my friend, the mover of this motion, has misunderstood the real position. The daily allowance is not a remuneration for any work done by the people. The daily allowance is paid only to meet the expenses of outside members. Those honourable members who belong to the city do not have to meet any such expenses and naturally have not the right to get this daily allowance. Even in other bodies, besides this honourable House, no daily allowance is paid to the members who belong to the city itself where the meeting is held. I think the motion of the honourable mover is not in order and would entail very heavy expenditure if put into effect. I would advise my honourable friend in these circumstances to withdraw it.

Hafiz Muhammad Ibrahim : A retort has been made by one of the honourable members of this House to the position that the local members belonging to this Council cannot be considered entitled to any daily allowance, because the members are given daily allowance simply on account of their coming to this place and staying here. Such is not the case. The first thing in this connection, Sir, I would submit is that it is quite well known to every one of us that many of us do come and spend our time in this House to take part in the deliberations that take place here at the cost and sacrifice of our professional incomes. There may be local members following a profession from which they are earning their livelihood. Some of them may not be rich enough to afford to attend this Council at the cost of their only means of livelihood. This being so, Sir, it is just possible that some of the local members who come to this House (when they belong to certain professions—I know some of them at least do belong to certain professions and do carry on certain avocations)—may be coming at the cost of the income which they derive from their professions and on which they live. I think in that case it will not be unfair or unjust to award them daily allowance. I think this House will agree that they should get daily allowance. Sir, this question has been under consideration for some time before the members of the House Committee. They made certain recommendations in this respect and brought the need to the notice of the Government, but so far no satisfactory answer has been received from them, although the question has been under their consideration for two years.

Now, Sir, there is another thing which I would like to bring to the notice of the Government in connexion with the allowances that are given to the members of this House, and that is this that under the present rules the members of this Council are entitled to get their travelling allowances if there is a break of more than four days within the session. During ordinary sessions this rule may be all right, but there arise circumstances every year in which this rule is at least to some extent unjust. Whenever we come to meet for a long time, just as we are doing at present, many of us have been here from February 19, and this session will continue up to March 19, the difficulty which arises is this. There will be a four days' gap in this session and any of us may be feeling the need of going back to their business and to see their own affairs, but if they will go they will not be entitled under the present rules to get their travelling allowances for going and coming back. I wish Government to consider this position and to make an amendment in the rules by which a provision may be made at least to the extent compatible to their need. Whenever a long session of this Council takes place, members may be allowed travelling allowance at least for once going home and coming back. With these words, Sir, I resume my seat.

The Hon'ble the Finance Member : Sir, as regards the rule of four days' break, I should like to point out that it is a very old rule. I do not think it has ever been objected to before. However, the proper procedure in this case is for the House or any part of it that wishes the rule changed to inform Government of it and Government will put the matter before the Finance Committee. We generally allow, as far as possible, the Finance Committee to decide its own Travelling Allowance rules. I can see the difficulty which will, as a matter of fact, arise in this particular session. There will be a four days' break, and it will be the only break. It is quite possible that the members may want to go home, and under the rule, as it stands, they will not be able to get their travelling allowance either for going or for coming back. It will be hard in this particular case. But there is no rule to which it is impossible to make an exception.

As regards the question of paying allowances to local members, I would like to remind the House that this particular type of allowance is meant for one purpose and one purpose only, viz., to cover the expense of coming here and of living here. Obviously the local member has neither of those expenses. He is living here already and he has not got to come here. Consequently, though there may be some argument for giving him a compensatory allowance for loss of practice or loss of livelihood,—loss of private income,—there is absolutely no reason for giving him a travelling allowance.

Kunwar Jagbhan Singh : I did not mean travelling allowance, but only the daily allowance.

The Hon'ble the Finance Member : Daily allowance is a part of travelling allowance. It is a halting allowance. The only sort of allowance that could be given is some sort of sumptuary or compensatory allowance. Of course, it could be argued that such an allowance ought to be given, but it will be very expensive. If such an allowance is given to local members, all other members will say that their business is also suffering and they ought to get it too. As a matter of fact a member coming from outside will have better reason to complain than the member who is actually living in Lucknow, because he can easily remain absent

[The Hon'ble the Finance Member.]

from Council for a while and attend to his business. I notice that some do this. They put in a couple of hours in court or elsewhere earning their livelihood, then come to Council and go to sleep for half an hour or so after lunch. But the member who comes from a long distance must stay here all the time. It is quite impossible for him to attend to his business at all and the loss in his case will be much greater than the loss in the case of persons who live in Lucknow. I am afraid it would be quite impossible to agree to that sort of suggestion simply because of the cost. I think there are 100 elected members. If they are given Rs. 10 per day, it will be Rs. 300 per head per month or Rs. 30,000 for a month's session. The whole cost will be between half a lakh and Rs. 75,000. In short this allowance is simply travelling allowance and nothing more. The halting allowance is a part of the travelling allowance; the travelling allowance includes both. You get the expense of travelling and you get so much per day to cover the extra cost which you have to incur by not being at home. I am afraid I shall have to object to this motion on that ground.

Kunwar Jagbhan Singh: I wanted to draw the attention of the House to this matter, but in view of the cost involved I beg to withdraw my motion.

The motion was, by leave, withdrawn.

* **Rai Rajeshwar Bali:** I beg to move that under sub-head "Legislative Bodies, A—Provincial Legislative Council, 4. Contingencies, Total," a reduction of Re. 1 be made.

I have to refer to one point only. I find that under 4—Contingencies—Purchase of books the amount has been reduced from Rs. 4,000 to Rs. 3,000. I need not mention that after all the library has to be kept up-to-date. We have to purchase newspapers and Government reports, etc., and the whole of the amount provided will be spent on those alone and, therefore, little or no money would be left for purchase of new books. I know that we have to cut our expenditure as much as possible, but as it is a small item and by reducing this by Rs. 1,000 it will not be possible to purchase new books. I wish to draw the attention of the House to this point.

The Hon'ble the Finance Member: Sir, I do not wish to deprive anybody of books. I am rather fond of books myself. I imagine the cut was made as a measure of retrenchment. I am inclined to think that we will probably be able to make the cut good by way of reappropriation, but any way if you, Sir, in the course of the year consider that all the books that you require cannot be obtained inside the sum that is at your disposal, I do not think the Government will be likely to refuse any reasonably modest request.

The motion was, by leave, withdrawn.

Khan Sahib Muhammad Hadiyar Khan:

خانصاحب محمد ہادی یار خان :

جناب صدر —

میں تحریر کرتا ہوں کہ کونسل صوبہ ضمن (الف) میں ایک روپیہ کم کر دیا جائے *

I beg to move that under sub-head "Legislative Bodies, A.—Provincial Legislative Council," a reduction of Rs. 1 be made.

میں اس کے متعلق یہ کہنا چاہتا ہوں کہ اس کونسل کی عمارت میں قریب لاکھوں روپیہ خرچ ہو گیا مگر کونسل چیئرمین ایسا خراب بنا ہی کہ قریب کے آدمیوں کو اس کی آواز نہیں سنائی دیتی اور وزیٹروں کو تو ایک حرف بھی نہیں سنائی دیتا اور یہ معاملہ کونسل میں کئی ایک مرتبہ پیش ہو چکا ہے اور گورنمنٹ کی طرف سے وعدہ کیا گیا تھا کہ اس حال کے نقص کو دور کر دیا جائیگا۔ مگر اب تک اس کی وہی حالت ہی میں دریافت کرنا چاہتا ہوں کہ گورنمنٹ اس کے نقص کو کب تک دور کر دیگی *

The Hon'ble the President. — جب روپیہ ہوگا

The Hon'ble the Finance Member: I do not know what the experience of other members is, but personally I find that since the time when this rostrum was erected, honourable members who make their speeches from it are generally heard in every part of the House. That must on the whole be the general experience, consequently we may say that in a very cheap way we have done something to improve the acoustics of the House. Government will not stand in your way, Sir, if you come forward with any proposals; we shall do what we can to assist you at any reasonable cost. Some statements made here are perhaps better left unheard.

The Hon'ble the President: I hope there is no reflection on the Council.

Khan Bahadur Maulvi Fasih-ud-din: In my opinion this is a very important question and the complaint about the bad acoustics of this House has become rather chronic. Some time ago a committee of experts was appointed in order to submit a full report on the methods to be adopted for improving the acoustic properties of this hall, but since then the Council have heard nothing about it. I do realize that if the work is to be undertaken, it would cost a good deal and that these are not the times for undergoing a cost like that, but this House can claim with propriety to know what is the report of that committee and what was the amount of money which the committee recommended for expenditure in this connexion.

The Hon'ble the President: The honourable member, I think, ought to know that the Government made a statement with reference to report in reply to a question by Raja Jagannath Baksh Singh and gave the cost at about Rs. 16,000. That was some time ago. That must have been printed in the proceedings of the Council. The report must have been circulated.

Khan Bahadur Maulvi Fasih-ud-din: I wish to know whether the Government would spend that money in more prosperous times and whether the Government have accepted that proposal.

The Hon'ble the President: As far as that question goes, it is hypothetical.

Shaikh Muhammad Habib-ullah: The committee's report was that they were not certain that that amount, if spent, would remove the complaint and it was on that account, I think, that the committee did not consider it a useful expenditure and suggested that a rostrum might be erected. I think the rostrum is working very well. That report did not

[Shaikh Muhammad Habib-ullah.]

clearly say that by spending Rs. 16,000 we would be able to improve the acoustics of this hall.

Mr. Brijnandan Lal: I agree with the Hon'ble the Finance Member that the present arrangement is very satisfactory and that the speeches that are made from the rostrum are audible. The only difficulty is that the honourable members will not take the trouble of going and speaking from there. Those gentlemen who are responsible for this motion speak from their seats and that is why they are complaining. I think no complaint as regards this question exists now.

The Hon'ble the President: The report of the committee was estimated to cost Rs. 16,000 and it was only problematical; this rostrum has cost only Rs. 25.

The motion was, by leave, withdrawn.

Pandit Prem Ballabh Belwal: Sir, I beg to move that under sub-head "Legislative Bodies, total A—Provincial Legislative Council," a reduction of Re. 1 be made. Sir, I want to draw the attention of this House to the callous indifference of Government in not giving effect to the recommendations of this House.

The Hon'ble the President: Will the honourable member move up here? I cannot hear him.

Pandit Prem Ballabh Belwal: Very well, Sir. I want to draw the attention of this House to the callous indifference of the Government in respect of giving effect to the recommendations of this House.

Shaikh Muhammad Habib-ullah: I rise to a point of order, Sir. We are discussing the question of the Legislative Council and I think this motion is absolutely out of order which is with regard to the callousness of Government in giving effect to the resolutions passed by this House.

The Hon'ble the President: Before I give any decision I really want to know exactly what the honourable member is about to say.

Pandit Prem Ballabh Belwal: I want to quote certain instances about which the Council has recommended but the Government has not accepted that recommendation.

The Hon'ble the President: These recommendations must cover various departments concerned which will come up for discussion later. Will the honourable member say what particular item he is referring to?

Pandit Prem Ballabh Belwal: Particularly, Sir, I want to draw the attention of the Government to the resolution which was passed by a very great majority of this House in respect of the postponement of enhancement of revenue in the Garhwal district.

The Hon'ble the President: That is settlement which will be taken up later. The motion is out of order here.

Khan Sahib Muhammad Hadiyar Khan:

خانصاحب محمد ہادی یار خان :

جناب صدر —

میں تحریر یک کرتا ہوں ضمن (الف) پروڈنشل کونسل انتخاب کے تحت
میں ایک روپیہ کم کر دیا جاوے۔

I beg to move that under sub-head " Legislative Bodies, B— Election charges " a reduction of Re. 1 be made?

میں یہ تحریک اس وجہ سے پیش کرتا ہوں کہ کونسل کے میمبروں کی
میعاد بجائے تین سال کے آئندہ (reforms) ریفرم میں 5 سال ہونا چاہیئے *

اول تو ایلکشن کے وقت گورنمنٹ کا تیس ہزار روپیہ خرچ ہوتا ہے جو
فضول میں جاتا ہے اور اس سے گورنمنٹ کو نقصان پہنچتا ہے اور امیدوار
میمبری کونسل کے لاکھوں روپیہ ہر تیسرے سال خرچ ہو جاتے ہیں۔ پہلے سال
نیا میمبر نہیں سیکہ سکتا وہ دوسرے سال میں تھوڑا تھوڑا سیکھتا ہے۔

Rai Bahadur Thakur Hanuman Singh: Sir, we cannot hear and
humbly request you to kindly ask the honourable member to come up here.

Khan Sahib Muhammad Hadiyar Khan: تیسرے سال میں نئے انتخاب
کی تلوار اُس کے سر پر آجاتی ہے۔

The Hon'ble the President: - اس تلوار کو ابھی میان میں رکھئے بعد میں
موقع آئیگا *

Khan Sahib Muhammad Hadiyar Khan: اس وجہ سے گورنمنٹ کو
چاہیئے کہ بجائے تین سال کے پانچ سال کم دیا جائے *

The Hon'ble the Finance Member: I myself, speaking as an indi-
vidual and not as a Member of Government, have often thought that
three years is short. As the honourable member has said the first year
is spent in learning what to do, the second year in discussing what to do,
and the third year in not doing it because of the approaching election.
But that period has not been fixed by this Government. It has been
fixed by the constitution. When the new constitution comes it is quite
possible that the period will be altered. That is one of the subjects under
consideration.

The motion was, by leave, withdrawn.

Khan Bahadur Maulvi Fasih-ud-din: Sir, I beg to move that under
the head of " General Administration A " a cut of Re. 1 be made in the pay
of the Under Secretary to the Local Self-Government. Sir, I find that
the representation of the Provincial Services on the Secretariat staff is
very inadequate. In other provinces, at least in some other provinces, it is
fair and adequate. Here we have only one Deputy Secretary of the
Finance department representing the provincial service and one Under
Secretary and one Assistant Secretary. This representation is undoubtedly
very inadequate. Besides, the Under Secretary has to work very hard
from very early in the morning up to sunset for the simple reason that he
has got so many departments under his charge. I am sure that after he
finishes his day's work and goes to his bed he has to set apart at least a
few minutes of his time for praying to God to give him the constitution of
a buffalo and the energy of a wild boar. In fact all the work that he puts
in is not of much use because every file has to go to the Secretary and
there is a duplication of work. If he is raised to the position of Deputy
Secretary he will be in a position to have the various departments divided

[Khan Bahadur Maulvi Fasih-ud-din.]

between himself and the Secretary and in that case there will be no duplication of work. I know that the question of finances will arise, but I may make this suggestion that the present pay which the Under Secretary is getting will be quite sufficient for him when he is acting as Deputy Secretary. I believe he gets a pay of Rs. 1,100 a month and that is not a bad pay for a Deputy Secretary. If he is elevated to that position not only will he be elevating the service to which he happens to belong but he will also bring about an abolition of this system of duplication of work.

The Hon'ble the Finance Member : Sir, I gather that the honourable member's real desire was that the Under Secretaryship in the Local Self-Government department should be raised to a Deputy Secretaryship. Well, Sir, that is a matter I have heard raised before. At the present moment however the movement is rather the other way, of reducing Deputy Secretaryships and increasing Under or Assistant Secretaryships. However we shall be always ready to listen to any complaints. So far there have been no complaints from the person most concerned or his immediate superior. That is presumably because as the honourable mover has told us, he has the constitution of a buffalo and the energy of a wild boar. I may incidentally point out that he is not the only person in the Secretariat who is hard worked. I myself need the constitution of an elephant and the energy of a tiger. However, Sir, if the matter is represented by the people who really ought to feel about it we will consider it. As regards the number of members of the Provincial Civil Service in the Secretariat, the honourable member mentioned three, but he forgot the officer on special duty, Khan Bahadur Saiyid Abu Muhammad who is also practically a Deputy Secretary, or at any rate does the work of a Deputy Secretary. And I think later on we shall have more.

Khan Bahadur Maulvi Fasih-ud-din : I beg to withdraw.

The motion was, by leave, withdrawn.

Khan Sahib Muhammad Hadiyar Khan :

خانصاحب محمد ہادی یار خان :

جناب صدر —

میں تحریر کرنا ہوں کہ جنرل سکرٹریٹ سپرنٹنڈنٹ کی مد میں ایک روپیہ کم کر دیا جاوے *

I beg to move that under sub-head "General Secretariat (Superintendents), A-1.—Pay of officers" (page 13), a reduction of Re. 1 be made.

میرا مطلب اس سے صرف یہ ہے کہ آجکل خرچ کی کمی کی سخت ضرورت ہے اس وجہ سے جیسا کہ خان بہادر فصیح الدین صاحب نے کئی مرتبہ یہ پیش کیا تھا کہ سکرٹریوں کے عہدے نکال دیئے جاویں اور ہر محکمے کا انسپر سکرٹری ہو جاوے اس سے کام بھی اچھا ہو سکیگا کیونکہ ان کو محکمے کی واقفیت کافی ہوتی ہے انہی سکرٹریوں کو نہیں ہوتی — اس انتظام سے گورنمنٹ کو ہزاروں روپیہ کی بچت ہو جاوے گی *

(۲) اور محکمہ زراعت میں بھی ایسی کمی کی ضرورت ہے اس محکمے کے انسپیکٹروں کی تعداد ضرورت سے زیادہ ہے اور جس قدر فارم گورنمنٹ

کی طرف سے کیلے ہوئے ہیں اُس میں سے کم سے کم نصف بند کر دینا چاہیئے اور اگر روپیہ بچے تو زمینداران کو بطور گرانٹ دینا چاہیئے جو اپنی زمینداری میں فارم کو لوٹنا چاہتے ہیں علاوہ اس کے اس میں بہت سے ذاتی ڈائریکٹر اور اسسٹنٹ ڈائریکٹروں کی ضرورت نہیں ہی ان کو تخفیف میں آنا چاہیئے اور ڈائریکٹر کے دفتر میں کلرکوں کی ضرورت نہیں ہیں *

پمپ کا محکمہ بھی مفید کام نہیں کر رہا ہے اور اُس میں بھی بہت روپیہ صرف ہونا ہے اس لیے اس محکمہ میں بھی تخفیف کی بہت زیادہ ضرورت ہے اور ڈائریکٹر مویشیان کا خرچ بھی کم ہو سکتا ہے اس میں اعلیٰ افسران کی ضرورت نہیں۔ مثلاً سپرنٹنڈنٹ ڈپٹی سپرنٹنڈنٹ اسسٹنٹ سپرنٹنڈنٹ وغیرہ جو بڑی بڑی تنخواہ پر ہیں صرف ایک سپرنٹنڈنٹ کی ضرورت ہے اور سب کام ڈائریکٹر کر سکتے ہیں *

(۳) میں یہ کہنا چاہتا ہوں کہ جو کمیٹی کونسل سے واسطے کمی مالگڈاری اور لگان کے مقرر کی تھی اس میں کمیٹی نے یہ جلدی لی کہ کاشتکاران کی کمی لگان کی رپورٹ پہلے دیدی جو گورنمنٹ میں منظور ہو گئی کمیٹی نے اس پر کوئی توجہ نہیں کی کہ ہر ضلع کی حالت کیا ہے کمیٹی کو یہ چاہیئے تھا کہ پہلے مالگڈاری زمینداران پر کم کی جائے اور اُسی حساب سے لگان کم کیا جاتا زمینداران کو اس کمیٹی کی رپورٹ سے بہت نقصان پہونچا اس وجہ سے کہ لگان تو قریب ۳۰ فیصدی لغایت ۵۰ فیصدی بہت سے ضلعوں میں چھوڑ دیا گیا مگر مالگڈاری دس فیصدی سے ۲۰ فیصدی کم ہوئی اس میں زمینداران چھوٹوں کی تعداد یو پی میں بہت ہے جس کی وجہ سے ان کو سخت نقصان اس سال میں پہونچا کیونکہ ایک تو وصول لگان نہیں ہوا دوسرے اُن کو قرض لینا پڑا قرض کی شرح سود اس قدر ساہوکاروں نے بڑھا دی جو وہ ادا نہیں کر سکتے ہیں میں سوالات ایتھے اور فرخ آباد کے مطلق پہلے ایتھے چکا ہوں حکامان ضلع نے کوئی توجہ زمینداران کی لگان کاشتکاران کی نہیں کی جو حکامان کی بلا توجہ سے زمینداران کو بہت بڑا نقصان اٹھانا پڑا میں امید کرتا ہوں ان دونوں اضلاع کے زمینداران پر گورنمنٹ رحم کرے اور اُن کی شکایت کو دور کر دے کیونکہ میں نے اپنی کانستبلٹیونس کے دونوں ضلع میں جانچ کی جس سے یہ امر مجھے کو معلوم ہوا جو گورنمنٹ کے نوٹس میں ڈالنا ہوں *

The Hon'ble the Finance Member: I understand that the motion refers to making heads of departments Secretaries to Government. I do not see what that has got to do with superintendents. But on the general question I personally should not be at one with the honourable mover. I have myself to deal with one department in which the Secretary is the head of the department, and I notice difficulties in it. The real result is that instead of myself being the Finance Member and the Governor Governor, I am the Secretary and the Governor is the Finance Member. That is a question that has been and will no doubt be again considered as a matter of retrenchment. But personally, as a measure of administration, I do not like it.

Rai Rajeshwar Bali : Can we discuss the question of heads of departments being made Secretaries at this stage.

The Hon'ble the President : No I do not think.

The motion was, by leave, withdrawn.

Khan Sahib Muhammad Hadiyar Khan :

خانصاحب محمد ہادی یار خان :

جناب صدر —

میں تحریک کرتا ہوں کہ جنرل سکریتوریٹ محکمہ پبلیسٹی کے بجٹ میں ایک روپیہ کی کمی کردی جاوے۔

I beg to move that under sub-head "Secretariat and headquarters establishment (Temporary Superintendent for Publicity and Reforms," a reduction of Re. 1 be made.

میرا اس تحریک کے پیش کرنے سے یہ مطلب ہی کہ قریب دو ہزار روپیہ کے اس مد کا بجٹ ہی میں یہ دریافت کرنا چاہتا ہوں کہ یہ روپیہ کس کس بات میں اور کس کس چیز پر خرچ ہوتا ہے میری رائے میں سب سے اچھا طریقہ پبلیسٹی کا طریقہ یہ ہوگا کہ گورنمنٹ یہ کہے کہ بہت سے اڈوں اخبار کی کاپیاں لیکر مقامی لوگوں کو مفت تقسیم کرادے یا اُس کی قیمت ایک پیسہ رکھدے اور باقی ایک پیسہ اخبار کو دے دے اور یہ بھی دیکھے کہ اخبار نانکواپریٹر تو نہیں ہی یا کلکٹر کے ذریعہ سے تقسیم کرادے۔ اس میں کوئی شک نہیں کہ یہ محکمہ نہایت ضروری ہے لیکن یہ بھی واقعہ ہے کہ اس کا اسٹاف بہت مقرر کر دیا گیا ہے۔ میری رائے میں صرف ایک ڈائریکٹر کافی ہے *۔

The Hon'ble the Finance Member : I understand that the honourable member was approving publicity in theory, but he objects to there being so much of it. He considers that all that is required to run publicity is a single Director. What he actually recommends, however, I do not know. But the staff is quite small, and for the present only temporary; and we cannot possibly do without the Superintendent to whom he objects. After all, there is one Director, who is also Reforms Officer, one Superintendent and three or four clerks; and this cannot be considered too many to explain fact to the entire province.

The motion was, by leave, withdrawn.

Rai Bahadur Thakur Hanuman Singh : I beg to move that under sub-head.—A "General Secretariat, (a) Pay of officers" be reduced by Re. 1.

My intention in moving this cut is to bring to the notice of this House and the Government that Provincial Service men with one exception have up till now neither been appointed as Secretaries nor as Deputy Secretaries. The Provincial Service cadre is very large as compared with the cadre of the Indian Civil Service.

Whatever might have been the condition of the fitness of the Provincial Civil Service men in times gone by I venture to say, Sir, that at present there are men in the Provincial Civil Service who can compete very favourably with the Indian Civil Service men. The appointment should depend upon fitness and not upon any class of service. Unless a certain

service get encouragement its members cannot equip themselves with such qualifications as may enable them to rise higher and higher. The obstacles in the way of the Provincial Civil Service men in entering higher services are a great discouragement to the service as a whole and to promising men in particular. At present I find that two Deputy Secretaries in the Finance department are Provincial Service men. One of them is undoubtedly a Provincial Service man and the other I think is also a Provincial Service man because he is neither an Indian Civil Service man nor has he risen from the Provincial Civil Service but he has come up in an indirect way and he cannot have a place anywhere except in the Provincial Service cadre. At present he is officiating as Finance Secretary. I think he should be made permanent Finance Secretary and the post of the Finance Secretary should be open to Provincial Service men. Here I have to assure the House and the Government that I have not moved this motion or made this speech on any suggestion of those who are concerned. Nobody should suspect that I have taken the hint from anybody. Sir, I am strongly of opinion that the time has come when the office of a Secretary to Government should be open to the Provincial Service men for two reasons. One reason is that they are quite fit to hold that office and in the second place new constitution will soon be enforced when Provincial Service men will have to bear greater responsibility in the working of the constitution. Therefore the Government should from now take steps to give them an opportunity to gain experience, so that they may be helpful when the new Government comes in power, which is expected to happen shortly. Unless our countrymen are given a chance to gain experience in Secretariat work they will not be able to shoulder the responsibility which they may be called upon to shoulder under the new constitution.

Rai Rajeshwar Bali: I rise to support the motion of my friend, Rai Bahadur Thakur Hanuman Singh, and in doing so I wish to bring two or three facts to the notice of the House and of the Government. In the first place I agree with him that more opportunities should be given to members of the Provincial Civil Service to act as Secretaries. Fortunately we have already got experience of some such officers, and I am certain that the Government will endorse the view of the House that they have acquitted themselves very ably and creditably. The very fact that one member of this service has recently been appointed to act Finance Secretary shows that Government recognize that they can safely entrust the responsible office of Secretary to a member of the Provincial Service. Then, Sir, in this connexion I should also like to urge that Secretaryship should not be reserved for the members of the Indian Civil Service or for the matter of that of any other service, as such. Government should make it a rule that the best man available, no matter to what service he belongs, will be appointed as Secretary. I do not know what recommendations the Government have made with regard to the scheme of reorganization of the headquarters staff, but what we want is that the best man available, no matter to what service he belongs, should be appointed to a headquarters post. Again, what we want is that the post of Finance Secretary should in particular be filled by one who has had long experience of the working of the Finance department and who is also specialized in that branch. In the case of other Secretaries too we want that appointments be made in future on the score of efficiency alone and that no office should be reserved for a member of any service. I need not say that if competent men of the Provincial Service are available, they will certainly be cheaper.

[Rai Rajeshwar Bali.]

Then, Sir, I wish to draw the attention of the Government to another feature in the Secretariat arrangements. I need not remind the House of the several debates, and almost very animated debates, which we had in this House in the past as regards the Indianization of the Secretariat. I hope that the attitude of our present Finance Member would be much more sympathetic in this respect than has unfortunately been of his predecessors. And as a number of Secretariat arrangements are likely to be made in the immediate future, I hope the claims of Indians will receive consideration, and not only in the immediate future, but also in the matter of arrangements which are likely to come in any future. After all, Sir, we have to train our people to shoulder responsibility when the new constitution comes into force, and there can be no better way of knowing the intricacies and difficulties of working a constitution than training the people in the Secretariat working. I hope that for this reason as well as for others the Government will give their full consideration to the question of Indianization of the Secretariat.

Lastly, Sir, I may refer at this stage to a point that was made in the previous motion, namely, that heads of departments should be appointed as ex-officio secretaries. With all due apologies to Mr. Mackenzie, who I am glad is here, I must express it as my definite opinion that I am opposed to this arrangement. In fact, I was responsible for not accepting the recommendations of the Economy Committee of 1923, while I was in office, in connexion with the Public Health and Medical departments. On administrative grounds I think it is absolutely essential that the Minister or the Executive Councillor in charge should have a Secretary between him and the head of a department in order that the Secretary may be able to give an opinion which is not biased by departmental views; and in this I entirely agree with the views which have just been expressed by the Hon'ble the Finance Member.

The Hon'ble the Finance Member : The debate has got rather mixed. We have quite a number of different points raised: and not all of them are really connected. The first point raised by the honourable mover relates to the number of members of Provincial Civil Service in the Secretariat. I will take that by itself. If honourable members will look at page 13 of the detailed estimates and count up the officers shown there in the Secretariat, excluding superintendents, they will find that the total comes to twelve including the officer on special duty though as a matter of fact of that twelve two are now gone. There is only one voted Deputy Secretary; Mr. Teyen becomes Secretary and no one is going to be appointed in his place. Similarly, of two non-voted Deputy Secretaries one is no longer in existence, viz. the Deputy Secretary of Industries. Those changes are parts of the new organization of the Secretariat. On the other hand, also in pursuance of that scheme, a fresh officer, viz., an assistant secretary, has been appointed. Now that makes in all eleven with the officer on special duty. Well, Sir, of those five belong to the Provincial Civil Service. Nearly 50 per cent. seems to me to be a quite fair proportion. There is one Secretary (Mr. Teyen), one Deputy Secretary (Mr. Bajpai), one Under-Secretary (Saiyid Ain-ud-din), one officer on special duty (Khan Bahadur Saiyid Abu Muhammad) and this new assistant secretary, I think his name is Mr. Mathur. Consequently I do not think we have done the Provincial

Service so badly. At the same time I entirely agree that they are good, that some of them are better than their opposite numbers in the All-India service. I also agree that they ought to have their chance and, I think, they are likely to get it.

Another point which was raised was that Secretaryships should be open to the Provincial Civil Service—in fact any service. The trouble there is that they form part of the Indian Civil Service cadre, and to carry that reform into effect the cadre will have to be altered. I say at once that it is not a point to which we have so far turned our attention, but I have no doubt that the Government will. We have turned our attention to the cadre in another direction but not on that particular item.

Another point I should like to make is regarding the question of training. We have been told quite clearly that officers have to be trained because of the intricacies of the constitution which they will shortly have to handle. I may be pardoned if I do not go into the details at the moment, but we are going to train at least one officer with a view to the future for one important department in the Secretariat.

I think that really covers all the points that were made, except this question of heads of departments and there I have nothing to say. I have already said briefly what I thought, and, as the leader of the opposition has explained, he and I agree on that point.

Rai Rajeshwar Bali : Sir, may I put a question? What would be the position as regards the Financial Secretary? Has this post been definitely taken out of the cadre of the Indian Civil Service or is it only temporary?

The Hon'ble the Finance Member : For the time being it is temporary. As I explained to the House that being an Indian Civil Service post it is only possible to appoint anybody else to officiate temporarily. But I suppose the officiating arrangement is not likely to come to an early end. I might go as far as to say that as long as Mr. Teyen is in service this arrangement will go on.

Rai Rajeshwar Bali : What will happen then? Does the Government propose to take this post out of the Civil Service cadre?

The Hon'ble the Finance Member : We have not considered this point of taking out this particular post out of the Civil Service cadre. In fact it did not strike us.

Rai Rajeshwar Bali : Will the Government do it now? Will they make their recommendation to the higher authorities?

The Hon'ble the Finance Member : I cannot bind myself. We will consider the matter. As regards the post of Finance Secretary, as far as I can say at the present moment the officiating billet will last the whole of Mr. Teyen's time.

Rai Bahadur Babu Vikramajit Singh : I am glad to find that the Hon'ble the Finance Member has made a very sympathetic reply on this motion. I think it is necessary in the interests of the administration and in the interests of finances to run the administration cheaply. If this recommendation of Rai Bahadur Thakur Hanuman Singh is accepted by the Government then the Provincial Service men will be able to rise to their full height and the Government will be able to run the administration efficiently and cheaply. The Hon'ble the Finance Member has said that

[Rai Bahadur Babu Vikramajit Singh.]

the attention of the Government was not drawn to this fact and therefore no change in the cadre of the Indian Civil Service was made so far and I hope that the Government will now take the earliest possible opportunity to get the sanction of the higher authorities to change the Indian Civil Service cadre, so that these posts in the Secretariat will be thrown open to the Provincial Service without any restriction whatsoever. It will not be quite satisfactory to find that Mr. Teyen will remain only an officiating Secretary. It will be very disappointing if we do not find him confirmed in his appointment after serving the department so loyally and faithfully and so efficiently for a number of years. His work has been praised every year in the Council. It is not satisfactory to find that he will be only officiating in the appointment and I think early steps will be taken to confirm him in the appointment, and after he leaves the service this post will be thrown open to others who have received sufficient training in that department.

The Hon'ble the Finance Member has also said that of out 10 secretaries there are five who have been recruited from the Provincial Service. Unfortunately excepting Mr. Teyen, who is officiating as Secretary, the others hold the post of Assistant Secretary, Under Secretary or Deputy Secretary. My submission is that if these posts are thrown open to the members of Provincial Service they will be able to fill up the post of secretaries as well. The Hon'ble the Finance Member has himself said that their work is good and sometimes even better than the All-India Services, and therefore going by merits it is not necessary to keep these posts reserved for any particular service. It will be very desirable to have these posts thrown open. After all the Provincial Service men have sufficient opportunities both for training in the administrative work as well as for expecting something higher in the service in which they are working, and it cannot be said that these posts can only be filled by the Civil Service people and not efficiently by the Provincial Service men. Therefore, I submit, Sir, that both in the interests of economy and in the interest of giving the Provincial Service an incentive for putting in better work for their selected people, it is very very desirable to throw the posts of secretaries open to the Provincial Service men equally with the Indian Civil Service people.

With regard to the question whether the heads of departments should be the secretaries, I think, Sir, it is an anomaly. After all, the Government has got to see, control and check the work of the departments, and the secretaries are a part of the administration of the Government. In many cases they decide the cases themselves and it may not be necessary even to refer, except for getting consent formally, of either of the Ministers or a member of the Executive Council.

Consequently, I think, Sir it is not in the interests of the administration to keep a head of a department as a Secretary or Under Secretary. Of course, so far as the Director of Public Instruction is concerned, all that we have to say is that his work has always been appreciated and admired, but it is a question of principle. We have no quarrel with any individual. As a matter of principle, I think it is not in the interest of administration to keep the head of a department as a Secretary, because it is his work that has to be supervised and controlled

and examined by the Secretary as well as by the Members of the Government.

Rai Bahadur Thakur Hanuman Singh: Sir, I have heard the speech of the Hon'ble the Finance Member which, though apparently sympathetic, has been to all intents and purposes disappointing. My intention in discussing this motion is to demand justice to the Provincial Executive Civil Service. Their claims for a very long time to higher posts have been ignored and they have been allowed some chances to rise to higher posts; but those chances, Sir, were too few, in consideration of the importance of their service and in consideration of their ability and fitness. But on this occasion the grievance is that no post of Secretary under the Government is open to any provincial service man. It is natural that the Provincial Service should feel aggrieved at this sort of treatment, and for the satisfaction of the members of the Provincial Service, the Government should take up the question of opening the Secretaryship to members of the Provincial Service also according to their fitness. It should not be the close preserve of the Indian Civil Service as it has been and it is. Members of the Provincial Service have got chances, however small they may be, to rise to the post of District Officers and even Commissioners, but they are deprived of any chance of becoming Secretary to Government.

The Hon'ble the Finance Member: There is one now.

Rai Bahadur Thakur Hanuman Singh: If all the posts of Secretaries cannot be thrown open to the Provincial Service men, I will request the Government very strongly to open at least one post of the Finance Secretary, so that any member of the Provincial Service having knowledge of the Finance department or having some experience of the finances with suitable educational qualifications may, after Mr. Teyen's retirement, get that post. If the members of the Indian Civil Service can hold the post of Finance Secretary whether they have experience of Finance department or not, I do not quite understand why a Provincial Service man also, whether trained in finances or not, cannot be expected to learn the work and discharge the duties of the Secretary efficiently. With these few remarks I press the motion.

The Hon'ble the President: What exactly is the proposition now?

Rai Bahadur Thakur Hanuman Singh: The proposition, Sir, is that the Government should take early steps to open all posts of Secretaries, or at least the post of Finance Secretary, to Provincial Service men.

The Hon'ble the Finance Member: Sir I have been told that I was only apparently sympathetic. If that is the correct description, all I can say is that I am better than I supposed at disguising my feelings. The honourable member wishes Government to take early steps to get one post at least of Secretary thrown open to the Provincial Service men. For some reason he thinks that we would object to the present motion. I have not the slightest doubt that the Government will carefully consider the matter; in fact I am quite prepared to undertake that the matter will be considered. No doubt, it is true at the present moment that no officer of the Provincial Civil Service has a claim to Secretaryship; but we have appointed an officer of that service as officiating Secretary, and that is the most we can do. Why under the circumstances it should be said that I am merely apparently sympathetic I cannot say.

The Hon'ble the President: The question is that under sub-head "A—General Secretariat, 1—Pay of officers," a reduction of Re. 1 be made.
The question was put and agreed to.

Muhammad Hadiyar Khan:

خانصاحب محمد ہادی یار خان :

جناب صدر —

The Hon'ble the President: آپ ذرا آگے آجائیے۔

Khan Sahib Muhammad Hadiyar Khan: جناب صدر میں تحریر کرنا ہوں کہ بمذ جنرل سیکریٹریٹ تنخواہ کلرکوں کے بجٹ میں ایک روپیہ کی کمی کر دی جاوے *

I beg to move that under sub-head—"Secretariat and headquarters establishment. 2.—Pay of establishment, Assistants and clerks," a reduction of Re. 1 be made.

اس تحریر سے میرا مطلب یہ ہے کہ سیکریٹریٹ میں کلرکوں کی تعداد اس دس سال کے اندر جب سے دریافت آیا ہے دوگنی سے زیادہ ہو گئی ہے اور گورنمنٹ کو مالی مشکلات بڑھ رہی ہیں۔ لہذا نوٹی وجہ نہیں معلوم ہوتی کہ سنہ ۱۹۱۹ء و سنہ ۱۹۲۰ء میں جنہی تعداد سیکریٹریٹ پیشتر تھی اتنی ہی کر دی جاوے *

ہمارے صوبہ میں کئی سال سے آفتیں آرہی ہیں۔ سنہ ۱۹۲۲ء میں بڑا بھاری سیلاب آیا بعد اُس کے تیزی آئی اور پھر کبھی کثرت بارش سے اور کبھی قلت بارش سے فصلیں خراب ہو گئیں سب سے بڑی آفت جو آئی ہے وہ یہ ہے کہ پیداوار کا نرخ ایک دم سے گھٹ گیا جس کی وجہ سے کاشتکار اپنا لگان نہیں دے سکتے اور تجارت وغیرہ بھی کم ہو گئی ایسی حالت میں بجٹ کا بننا بہت مشکل تھا لیکن آنریبل مسٹر بلنٹ صاحب نے جس خوبی سے یہ بجٹ بنایا ہے اُس کے ہم مشکور ہیں صاحب موصوف لکھتے ہیں کہ کئی سال سے بجٹ میں آمدنی کی کمی ہو رہی ہے اور خرچ کی زیادتی اور لکھتے ہیں کہ بجٹ کی کمی کو پورا کرنے کے لیئے سو دو کروڑ روپے کی ضرورت ہے اور دو سال کے بعد تین کروڑ کی ضرورت پڑے گی اس وجہ سے گورنمنٹ نے تمام اخراجات کم کر دیئے ہیں اور بہت سے محکموں میں ملازموں کی تخفیف کر دی ہے باقی سب ملازمین کی تنخواہیں ۱۰ فیصدی گھٹا دی ہیں اس لیئے میں کہنا چاہتا ہوں کہ اب بھی بہت سے محکموں میں بیکار خرچ ہوتا ہے اور ابھی بہت زیادہ کمی کی ضرورت ہے اور دہائی سپرنٹنڈنٹوں کی تعداد تین چار سال کے اندر بہت بڑھ گئی ہے اور اس بجٹ میں بھی اضافہ کیا گیا ہے پولیس کے محکمہ میں بوجہ موجودہ شورش کے گورنمنٹ نے صرف چند انسپکٹروں کے عہدوں کو توڑ دیا ہے لیکن مجھے کو امید ہے کہ جب یہ شورش کم ہو جاوے تب پولیس کے محکمہ میں کم سے کم ۲۵ فیصدی خرچ کی کمی کر دی جاوے گی کیونکہ پولیس

کے انسپیکٹران کی تعداد اب بھی زیادہ ہی مجھے کو میں پوری کے متعلق عرض کرنا ہی کہ اس ضلع میں پانچ تحصیلیں ہیں اور دو انسپیکٹر پولیس کے پاس بھی کام کافی تھا دہشتی سپرنٹنڈنٹ بہت عرصہ سے ضلع میں نہیں تھا اس وقت بھی کام کی کوئی شکایت نہیں تھی اس لئے وہاں دہشتی سپرنٹنڈنٹ کی ضرورت نہیں معلوم ہوتی ہے اس واسطے وہاں دونوں انسپیکٹروں کو رکھا جاوے اس امر سے اخراجات بھی کم ہو جاویں گے اور پولیس میں لاریوں کا خرچ بالکل بیکار ہے۔ اگر پولیس کو ضرورت ہو بلوہ یا دہشتی میں لے جانے کے واسطے تو ضلعوں میں گرایہ کی لاریاں بہت ہیں *

The Hon'ble the Finance Member: I understand that the honourable member wants that we should go back to the year 1920 in respect of the number of clerks in the Secretariat. I am afraid if we did that, the first complaint will probably come from the honourable member himself and later on certainly from the rest of the Council. The reason why there has been such a large increase in the number of clerks since 1920 is that since the present Council has come into existence there has been a very large increase in the amount of work, my honourable friends opposite will bear me out, as a result of questions and resolutions. We cannot take questions blind and we cannot take resolutions blind; we have to consider our replies to them and that means a considerable addition to the work. If we did as the honourable member modestly suggests, then I can only say that there will be chaos.

The motion was, by leave, withdrawn.

Rai Bahadur Thakur Hanuman Singh: I beg to move that under sub-head "A—General Secretariat, 4—Allowances and honoraria" (page 14), a reduction of Re. 1 be made.

By moving this motion my intention is to discuss the question of hill exodus. It was recommended by the Retrenchment Committee that His Excellency the Governor and the members of the Executive Council as well as Ministers with a number of secretaries and such other office staff as may be needed should go to the hills and not the whole Government. We do not know what has been the decision, I mean the final decision of the Government in this connexion. I desire to say that the question of economy in all directions is in these days a thing of greater importance than any other matter. Savings cannot come from one or two directions only; savings are required to be effected to such an extent as may be practicable in all directions. Unless the expenditure, which may not be most needed to be incurred for the efficiency of the administration be cut down, the finances of the province cannot be brought to a satisfactory state. I am not in a position to say what expenditure the Government incurs on account of its hill exodus, but I can say that the amount spent for this purpose is not very small and so it ought not to be neglected by this House or by the Government. This question is not a new one to be discussed on the floor of this House. I think it was discussed even in pre-reform days and during the reformed Council. The Government may say that once this very Council passed a resolution asking the Government to hold the Council session at Naini Tal. Well with due respect to the House, I may be permitted to say that it was a great mistake of this House to pass that resolution. However, that resolution was passed and

[Rai Bahadur Thakur Hanuman Singh.]

acted upon by the Government when the finances of the province were not so bad as they are at present. It was on account of the financial difficulties that the rainy season session of the Council last year was held at Lucknow and not at Naini Tal. The same sort of economy should be observed by Government in allowing members of several departments and the whole Secretariat to go to the hills. No doubt it is very pleasant to pass time in the hills. It may be that better work may be done in a cooler atmosphere, but, Sir, those who on being appointed as secretaries to the Government or heads of departments seek to go to the hills but the men of the same service who have not a chance to be either in the Secretariat or to be as heads of departments have to pass their time in the plains. Therefore when they can pass their time in the plains so those who are in the Government or those who are in the Secretariat can also manage to live during summer at Lucknow. Sir, along with this question I intend to discuss the question of cost of passages to non-voted officers. But as this question is under the consideration of Government, I need not take the time of the Council on that question at present at any rate and at any length. Here I have to draw the attention of Government that the members of this House are generally of opinion that the cost of passages should not in future be paid to the officers as at present.

Rai Rajeshwar Bali: As has been stated by the honourable mover of this cut the retrenchment committee considered the question of the hill exodus at some considerable length. Some of us were of the opinion that only a limited number of high officers should go to the hills, while others held that perhaps it would be better in the interests of efficiency if all those who go to the hills at present were allowed to go but the period of their stay was curtailed and thus some economy effected. Whilst others there were who thought that it would be best to combine the two together, namely, that the number of officers should be restricted and also the period of stay considerably curtailed. I believe we all agreed that whatever action is taken in any of these directions it will lead to considerable savings. In fact in other parts of India we find that similar action has been taken. For instance, I learned that in the case of the Bombay Government they have decided to abandon their exodus to Mahabaleshwar for this year. I do not, nor do any of us, propose to abolish the hill exodus altogether. But certainly we wish that something should be done either by reducing the number of officers who go there or by curtailing the period of their stay, or by both, to reduce the expenditure which we have to incur in this matter. I wish to inquire from the Government whether they have considered this question up to this time or not and if they have given it their consideration to what decision have they come?

The Hon'ble the Finance Member: We have undoubtedly given the question of the hill exodus our consideration. At the same time we did not regard it as one of the subjects which required to be attended to so immediately as some others, for the simple reason that whatever decision was arrived at it could not affect the present year. During the present year, of course, all officers, clerks and everybody else, have made their arrangements and if we had decided to abolish or reduce or alter in any way the existing arrangements this year, we should have had not a saving, but additional expenditure in the shape of compensation. Obviously the clerks and the officers concerned could not get out of their contracts, and they could not be expected to pay for breaking the contracts

when the cause was Government itself. That is why we have progressed less far with that than with other recommendations. Curiously enough, too, everybody is under the impression that we would get a large saving out of this. As a matter of fact, on the lines recommended by the retrenchment committee, I do not believe that there would be any saving whatever. It may be possible to save if other methods of altering the hill exodus were adopted, but it is not going to be large in any case. It is generally forgotten that though we should have a certain amount of charges by not going to the hills we should also incur more charges by staying in the plains, for instance all the hot and cold weather charges, as they are called. There is the dāk also that goes from Lucknow to Allahabad—the cost of that would have to be deducted from the cost of dāk from Naini Tal to Allahabad. Also there would be more leave taken; and what with one thing and another, I think that no method which may be adopted for altering the hill exodus would result in much saving. I doubt whether it would be in any case more than nine or ten thousand rupees. However the present position is that I have the file on my table, that I am working out figures from different points of view to try and discover where a saving is possible, and what particular method will bring in the largest saving.

It may be a question of reducing the time, as one honourable member said; or it may be a question of reducing the number of men taken up; or it may be a combination of both. There are other possibilities too. For instance, some officers come up twice—they come up for two months in May and June and they come up again in September. It would certainly be very much cheaper if they came up for three months on end. There are quite a number of possibilities. But at the present moment I have only figures on my table and I have not had time to work them out—I hope the House will forgive that—but I may say that as soon as I get an opportunity and a little cool weather I shall do it.

Rai Bahadur Babu Vikramajit Singh: May I put a question, Sir? Will the Hon'ble the Finance Member please state what is the total amount of money which is at present spent on hill exodus?

The Hon'ble the Finance Member: I am afraid I cannot say from memory. I can tell the honourable member that a rough saving on the two methods which I have mentioned as having struck my mind would be Rs. 30,000 on paper, against which you have to pay the extra charges that I mentioned.

Rai Bahadur Babu Vikramajit Singh: I have not asked about saving. What is the total amount which is spent nowadays?

The Hon'ble the Finance Member: I am afraid I cannot say that from memory. It involves looking into the whole lot of departments. I will look it up and let the honourable member know.

Rai Bahadur Thakur Hanuman Singh: Sir, as the Hon'ble the Finance Member has assured us that he would see that every possible economies are made in connexion with this remark I do not wish to press this motion.

The motion was, by leave, withdrawn.

The Council was adjourned for lunch at 1:30 p.m.

After the recess the House reassembled at 2:15 p.m. with the Deputy President in the chair.

Khan Bahadur Saiyid Jafer Hosain : Sir, I beg to move that under sub-head "A—General Secretariat, 5—Contract Contingencies" (page 14), a reduction of Rs. 5,000 be made.

Honourable members will find this item on page 14 of the detailed estimates. There a sum of Rs. 58,000 has been put under this head as against a sum of Rs. 52,485 which was put in the last year's budget and in this sum is included the supplementary grants also. Therefore my submission is that an increase of over Rs. 5,000 is unjustifiable in the present hard times and unless an answer which would be convincing is forthcoming I am inclined to press this motion.

Mr. C. St. L. Teyen : Sir, the honourable member is quite correct in saying that the contract grant has risen from Rs. 52,485 to Rs. 58,000 but, if I may say so, all the other items under contingencies show a reduction and in the aggregate there is a reduction from Rs. 88,704 to Rs. 84,400; or if you exclude the new item of Rs. 1,200 for contingencies of publicity and Reforms the budget figure is Rs. 83,200 against Rs. 88,704 for 1931-32. The rise of the contract grant is due entirely to the fact that the amount in previous years allotted for postage was insufficient and it actually was exceeded by Rs. 9,000. Since then, as honourable members are aware, postage rates have gone up and there would have been justification for going beyond Rs. 9,000; but instructions were issued by Government that arrangement must be made to economize in some form or other, by curtailing telegrams and by reducing postage generally; and against a demand of Rs. 9,000 Government thus only allowed Rs. 5,000. Unfortunately postage this year and next, unless conditions improve, will inevitably be heavy. I am afraid, therefore, that while every effort will be made to further economize in this direction, it is impossible to accept at present the cut of Rs. 5,000.

The Hon'ble the Finance Member : Sir, I have only got to add a few words to what Mr. Teyen has said. In circumstances as they are, it looks as if we should require more than Rs. 58,000. They are the only circumstances on which we can budget, but I can assure the House that if there is any chance of saving under this head or any other that chance will not be allowed to slip. I hope we may be able to do with less, but I prefer to ask for a larger sum now rather than to have to come to the Council at the end of the year and ask for more.

Khan Bahadur Saiyid Jafer Hosain : Sir, in view of the explanation given by the Hon'ble the Finance Member I beg to withdraw the motion.

The motion was, by leave, withdrawn.

Khan Sahib Muhammad Hadiyar Khan :

خانصاحب محمد ہادی یار خان :

جناب صدر —

میں تحریک کرتا ہوں کہ بمذکن ٹنجنسی (Contingencies) ریڈری ٹائپ رائٹر کی مد میں (Rs. 900) نو سو روپیہ کی کمی کردی جائے *

I beg to move that under sub-head "Secretariat and headquarters establishment. 5—Contingencies, "purchase of typewriters," a reduction of Rs. 900 be made".

جناب والا —

بجٹ میں ۱۸ سو روپیہ ٹائپ رائٹرز کی خریداری کے واسطے رکھا ہے۔ اس میں سے نو سو روپیہ کم کرنا چاہتا ہوں اور ایک ٹائپ رائٹر کی معمولی قیمت ساڑھے چار سو روپیہ ہوتی ہے اس واسطے گورنمنٹ کو چاہیئے کہ دو ٹائپ رائٹرز کی قیمت کم کر دے تو اچھا ہوگا *

Mr. C. St. L. Teyen : I am afraid the honourable member is under a wrong impression when he says that the price of typewriters has gone down. At any rate the price of those that come from America has gone up on account of variation in international exchange.

Khan Bahadur Maulvi Fasih-ud-din : What is the price now ?

Mr. C. St. L. Teyen : It is I think Rs. 420 for the type of machine we buy in the Secretariat. At the same time I have no objection, on behalf of the Government, to accepting a cut of Rs. 900.

The Deputy President : The question is that under sub-head Secretariat and headquarters establishment, 5—Contingencies, "Purchase of typewriters," a reduction of Rs. 900 be made.

The question was put and agreed to.

Khan Bahadur Maulvi Fasih-ud-din : I beg to move that the item of Rs. 15,200 concerning sub-head B, under item 1—Chief Inspector, be omitted.

I assure the Hon'ble the Finance Member that I am not moving this token cut in spirit of criticism or cavil. I want simply to help the Hon'ble Finance Member in his hunting expedition in the dark recesses of the financial forest, as he puts it. I have said often and often that there is not much need for the existence of the Inspectorate of offices. This Inspectorate was established about eight years ago at a time when the offices were certainly in a disreputable condition and when there was also a disorder in connection with the records. The Inspectorate did very creditable work for which it has to be congratulated in connection with putting the records in order, in pointing out irregularities and the deficiencies in stamp and court fees. It has now set the whole thing in order, and I think that there is not much justification for its existence now. The office of Chief Inspector can be abolished at least for the next two or three years, or rather till such time as the need of reviving it does not occur. I have only cut the pay of the Chief Inspector for the present. If it is contended that all the Inspectors are needed for the work that they do at present, then I submit that the Chief Inspector is not required. He gets a very high pay and his budget amounts to about Rs. 16,000. If this post is abolished, the work of supervision can be made over to the Secretary of the Board of Revenue. In fact my suggestion is that the whole of this department should be transferred to the Board of Revenue, which is the proper authority to control these Inspectors of Offices. The Secretary of the Board of Revenue can very easily supervise the work of the Inspectors. In this way we can save Rs. 16,000. I leave it to the good sense of the House to decide whether my suggestion is reasonable or not, and I again assure you that it is not in a spirit of criticism or cavil that I have brought forward this motion.

The Hon'ble the Finance Member: I must wholeheartedly oppose this motion. We have as a matter of fact inquired into the possibility of doing without this department altogether, and the result was a howl from every officer that we consulted. They said that they could not possibly do without it, unless some other assistance was given them for inspection. By some other assistance for inspection they mean local inspections of the old type, which cost Government about four times as much as this inspectorate and which disappeared as a measure of retrenchment in 1924, to be replaced by the present inspectorate. There is no doubt whatever that when compared between the two forms of inspectorate, this is far cheaper. It is also the better.

As regards the expenditure, we are as a matter of fact going to bring in a lower paid Chief Inspector as soon as the present one retires. The reduced pay of the Chief Inspector will come down from the present figure to Rs. 850 per month—a reduction of nearly half. The present Chief Inspector, as far as I remember, has not much longer to serve.

As for putting it under the Board of Revenue, the Board of Revenue is still supposed to be a judicial body, and one can hardly expect them to take on the job of running government offices. In any case, the Secretary of the Board of Revenue is a fairly hard worked officer, and if we were to make this transfer, we would merely have to appoint another Secretary to do the work. And, of course, the cost would then come to much more than that of the present inspectorate. I say definitely that although it looks like a department in which economy could be made, it is most emphatically one which must be left alone, because any one put in its place will be more expensive.

Khan Bahadur Maulvi Fasih-ud-din: Sir, I being a retired Deputy Collector and also having worked as a Collector for a long time, I know that if Collectors and Deputy Collectors put their back to this work they can inspect offices as efficiently as any inspector or even the Chief Inspector. It is because they do not realize their responsibility in the matter of inspections that they try to shirk the work and that they ask for the assistance of the Government to superadd another machinery for the inspection of their offices. I have come across Collectors who keep their offices in perfectly good order. There is not one word to say against those offices. And then over and above this the Commissioners come to the headquarters at the time of their tour and they also make some sort of inspection. In any case I have put forward this suggestion for the consideration of the Hon'ble the Finance Member, and I hope that he will look into this matter more carefully and minutely and not simply depend on the reports of district officers, and decide the whole thing for himself. In the meantime I beg to withdraw this motion.

The motion was, by leave, withdrawn.

The Deputy President: There is a motion in the name of Rai Bahadur Babu Jagadeva Roy to omit the whole grant: I will call on Babu Jagadeva Roy to move his motion.

Rai Bahadur Babu Jagadeva Roy: I beg to move that the item of Rs. 55,214, concerning sub-head Secretariat and headquarters establishment, B—Inspector of offices, be omitted.

Sir, we have heard just now the part of the argument which can be expected to be given in connexion with this motion of mine. Having

regard to the motion of the honourable member also who has just spoken, he has given reasons which I have got to put forward in respect of my motion. Sir, it would be much better to put a concrete instance which is supposed to take place in the regular course of business. There is a collectorate consisting of the courts of the Collector, assistant collectors and tahsildars and naib-tahsildars. What happens every day is that documentary evidence including written statements, vakalatnamas etc., are filed in court. It is the duty of the reader of that court, who is generally said to be the peshkar, to see that the papers which are filed are duly stamped. This is one process. Then, Sir, after that, when those papers are handed over to the ahlmad whose business is to make a file of those papers, it is for him.

The Hon'ble the Finance Member : On a point of order, Sir. My honourable friend has got hold of the wrong inspector. The inspector he is talking about is of stamps, not the Chief Inspector of Offices.

Rai Bahadur Babu Jagadeva Roy : I have taken my motion to mean that there are inspectors appointed by the Government to go to the collectorate and examine the files in the record room to see whether the papers have been properly stamped.

I regret that I misunderstood my motion which I do not press.

The Hon'ble the Finance Member : There are such people but they are not these. The Chief Inspector of Offices is absolutely forbidden to go inside a court.

The Deputy President : The honourable member had better keep his remarks in reserve. They are out of order here.

Rai Rajeshwar Bali : I beg to move that under sub-head "C—Board of Revenue, (b) Court of Wards department, Total Rs. 32,033" (page 15) a reduction of Re. 1 be made.

My object in moving this is only to inquire about the policy of Government in the matter whether the Court of Wards should take any part in the elections or not. The other day certain questions were put by my friend Thakur Rampal Singh with regard to this matter but the answer of the Government was not at all clear. I want to know what is the policy of the Government, whether it is their policy that the local officials, the managers of the Court of Wards, should support any of the candidates or not, or whether the electors are entirely left to their own discretion. We have to consider that the Court of Wards is a department which should not be identified, as long as it is a department, with any of the parties. In the elections there will always be parties and certain people will be siding with one candidate and another set of people siding with another candidate. I wish to know whether the Government are prepared to accept the position of neutrality in the matter or not. For after all the Court of Wards department is managed by the Government, and if the Special Manager or any of its officials takes side it in effect comes to Government taking side. I hope the Hon'ble the Finance Member and the honourable member of the Board of Revenue will clearly define the position and if there are no definite orders on this point so far they will be pleased to issue definite instruction in the matter.

Mr. E. F. Oppenheim : Mr. Deputy President, so far as I know, no case of this sort has occurred. It is difficult to pass general orders without having a concrete case before us.

Rai Rajeshwar Bali : You can only define your policy.

Mr. E. F. Oppenheim : As a rule, the Court of Wards in any district would act in the way in which the landlords of the estates which they are managing would act. As regards the general policy I propose to lay the question before the Central Advisory Committee and it will then be decided what general policy should be adopted.

Rai Rajeshwar Bali : The Hon'ble the Senior Member of the Board of Revenue mentioned that the managers would act just in the same way as landlords. But who is the landlord in this matter? Do the managers consult the wards or the managers themselves act as landlords?

Mr. E. F. Oppenheim : The managers of the estate would act in the same way as the landlord of the estate would act. I was not proposing to lay down the general line of policy until I had obtained the opinion of the Central Advisory Committee.

The Hon'ble the Finance Member : I only rise to make one small point clear with reference to those questions that we were asked the other day and on which I understand my friend has been basing his argument. It was asked whether the manager in that particular case had ascertained the ward's wishes. Well, I tried to find out. I knew there was something about it in the file, but I could not find it at the moment. But the answer was that they did consult the wards in that particular case. So long as they are men capable of giving an opinion they are consulted.

Thakur Rampal Singh : During the last district board elections in the Sitapur district, the part played by the Court of Wards was of special interest. Only those candidates were supported by the Court of Wards who brought a recommendation from the Chairman of the district board, who was himself seeking re-election. In the Sitapur Court of Wards there is one Special Manager, one Personal Assistant and one Assistant Manager. The Personal Assistant was specially entrusted with the election work and he had issued instructions to the subordinates to see that the estate voters went to the polls and at least 90 per cent. of them recorded their votes. Only one estate tenant was set up by the Court of Wards, and in reply to my question no. 71 it was stated that three Court of Wards tenants were set up, two of whom ultimately withdrew under pressure from the Special Manager. It was said that no pressure was brought to bear on them. This is not a fact. Just now the Hon'ble the Finance Member has corrected himself and he says that the opinions of the wards were ascertained. This is at variance with facts. Thakur Baldeo Bakhsh Singh is a ward of Ramkot estate and he set up his sister's son as a candidate from one of the constituencies within his estate. The views of the wards were not taken by the Court of Wards and the ward himself went and called upon the Special Manager several times and appealed to him to support his relation, but it was of no avail. He was opposed by an honorary magistrate, who is not even a resident of these provinces, but was in estate service and is now out of employment. Another ward who I consider is quite capable to form an opinion is Kunwar Rajendra Singh. His wishes were also not consulted, and the votes of his estates went to those persons who were supported by the Special Manager. The issue kept was quite clear: only those people were supported by the Court of Wards openly who committed themselves to support a certain man in the election of the Chairman. So it is not correct to say that the wishes of the wards were respected. Just now I have quoted two instances, these

are the wards under the Court of Wards. Thakur Baldeo Bakhsh Singh is an elderly man and quite capable of forming his opinion.

With these remarks I support the motion.

Hafiz Muhammad Ibrahim: I think the reply made by the Senior Member of the Board of Revenue is vague. I was under the impression that the reply coming from the Government side to the question put would be that the Court of Wards department will remain during elections as neutral as other Government departments do.

Mr. E. F. Oppenheim: May I explain. I thought that the question related to general elections: I did not know that it related to district board elections.

Rai Rajeshwar Bali: It related to all elections.

Hafiz Muhammad Ibrahim: We are considering the question relating not only to elections to district boards or to municipalities, but to all the elections that may be held. The honourable member has said that, as far as his personal view of the matter is concerned, he thinks that it would be proper for the employees of the Court of Wards to join that side which their wards do. There are many estates which are under the management of the Court of Wards where the wards are minors unable to make any opinion as to which side they should join. If we try to know why the Government departments are asked to remain neutral in elections, I think we will necessarily come to the conclusion that the same considerations should apply in the case of Court of Wards employees as in the case of Government servants. The Court of Wards officials are as much officials of Government as those of the other departments. They are able to exercise influence on the public of these provinces and illiterate voters quite in the same way as the employees of other departments. If the reason for depriving the Government officials from taking any part in elections is that no undue influence may be brought upon the voters, I will submit that it is highly necessary that the Court of Wards employees should also be debarred from taking any part in the elections on any side. I think when I say so, I am voicing the wish of this House, and if the honourable the Senior Member of the Board thinks it at all necessary to refer this question to the Advisory Committee, I will request him to convey the wishes of this House to that committee: that this House was of the opinion at the time when this question was discussed on its floor that the employees of the Court of Wards department should be totally debarred from taking part in any elections on any side.

Rai Bahadur Babu Jagadeva Roy: Sir, I regret that I cannot agree with the able speeches which have been made on the subject under consideration. It appears to me that the first thing which has to be considered in this connexion will be whether a Special Manager of the Court of Wards or other employees of the Court of Wards can be brought under the definition of a Government servant, while performing duties of the Court of Wards. I would submit that they cannot come under that category, and the reason is very obvious. Court of Wards employees are nothing more than representatives of the private landlords with the only difference that a private landlord manages his own affairs personally whereas in this case his affairs are being managed through another agency, which is certainly not a Government agency in that sense of the term. From this point of view these employees cannot be said to be Government servants. Another

[Rai Bahadur Babu Jagadeva Roy]

question is whether they should be treated as semi-Government servants. I would submit that to some extent they can be said to be semi-Government servants on the ground that their services are lent for the management of the estate of a private landlord.

So from that point of view they may be regarded as semi-Government servants, but my submission is that they cannot be brought under the category of Government servants for all intents and purposes and therefore the question is whether we can legally ask the employees of the Court of Wards to remain neutral in election matters. Then there is the question what sort of influence they can exercise. One of my honourable friends argued that they are looked upon by the public as officials in power. I submit, Sir, that my honourable friend may get up next time and extend this argument to honorary magistrates, honorary assistant collectors and others and say that they are also looked upon as officers in power. If that is accepted, they will also have to be asked to remain neutral. I submit, Sir, that that is not the case. Honorary magistrates and honorary assistant collectors always take part on one side or other in elections and as a matter of fact they themselves stand as candidates. In the circumstances I think that the employees of the Court of Wards cannot be asked to refrain from taking part in election matters on the ground that they are officials in power. Now, Sir, let us see what is the reason for which it has been suggested that they should not take part in elections. It has been said that in one or two particular instances the ward wanted a certain person to be supported by the Special Manager, while the latter backed somebody else. If this is the only reason, then I submit, Sir, that it does not give rise to a general proposition which we have to discuss on the floor of this House. So judged from this point of view I think that a private landlord can always take part in elections and there is no reason why the Court of Wards, representing as it does a private landlord, should not be allowed to have the same right as a private landlord. There is no provision in the Act debarring employees of the Court of Wards from taking part in elections or standing as candidates, while there is such a provision in regard to Government servants and they are prevented from standing as candidates. Therefore, Sir, it is now clear to the House that a Government servant is quite different from an employee of the Court of Wards.

Now, Sir, let us take the other side of the proposition. Why is this objected to? In my opinion there should be a strong reason for objecting to their taking part in election matters. The case with the Government officers is quite different. The Government is said to be the representative of both the parties or of all the contesting parties, whereas the employees of the Court of Wards are certainly not representatives of any of the parties. The Court of Wards does not stand in the position of a ruler. So my submission is that no case has been made out for laying down this as a principle that no employee of the Court of Wards should take part in the election campaign on behalf of one side or the other.

Mr. Brijnandan Lal: To me there does not seem to be much difference between the point of view of the honourable mover and of the honourable member of the Board of Revenue. Mr. Oppenheim says that the manager of the Court of Wards should comply with the wishes of his ward. There are two kinds of wards, major wards and minor wards.

In the case of major wards, what is necessary is that his wishes should be consulted. He is able to express his wishes. In the case of a major ward, if he says that he wants the manager to support a particular candidate the manager ought to comply with his wishes. In the case of minor wards, of course they are unable to express their wishes and to all intents and purposes they are neutral so far as election is concerned. In that case the Manager of the Court of Wards should be neutral because the minor is not able to express his desire with regard to a particular election. I think the principle enunciated that the manager in every case should comply with the wishes of the ward is sound. This is what the honourable mover wants. He does not want that the manager should act against the wishes of his ward. I do not think there is much difference in the points of view of the two.

Rao Narsingh Rao: Unfortunately I beg to differ from Rai Bahadur Babu Jagadeva Roy's argument in this case. The question is, I am afraid, a little bit such as should not really be the subject of talk on the floor of this House. What are we discussing? We are discussing the question of the Court of Wards authorities remaining neutral in the matter of elections. The principle is that every single voter of a constituency, whether of a district board or a municipal board or a legislature or for the purpose of any other election, is at liberty to vote for any one he likes. Now there is no quarrel about that. The point here is of taking sides, that is, of putting pressure on those voters to vote for one whom they either know or do not know but for whom that man who persuades them to vote wants them to vote.

Rai Bahadur Babu Jagadeva Roy: I take exception to this, Sir. I never meant that any sort of pressure is put in the elections. That is never implicated, so there is no question of pressure.

Rao Narsingh Rao: If it is not a matter of pressure, then it is a matter of persuasion; you have only to persuade. There is something which makes those people leave their homes early in the morning, go to the polling stations, and vote there. What is that? That is either persuasion or pressure or request—something or the other. But the question here is whether a court of wards employee is entitled to or in the interest of the administration should persuade or request or ask people to vote for any one he likes. Sir, Mr. Jagadeva Roy has said that the Court of Wards are just as good an agency as a private agency managing private affairs. Sir, there is a difference which I want to clear here and it is that if a zamindar's karinda is to-day beaten by a tenant in some village, probably the case will be under section 323 in which case the complainant would be that karinda and the accused will be that tenant, but in the case of Court of Wards if a zildar has even exchange of hot words with a tenant, the Court of Wards case will be King-Emperor versus the tenant and the accused will find a very hot bed in the court. That may not be the case with a zamindar's karinda. A zamindar only persuades his tenants who are the voters in his village and if they do not act according to the wishes of the zamindar they may get into trouble indirectly or not legally, but in the case of Court of Wards if a zildar goes to a village and asks the tenants of that village to vote for such and such they will do that. So the influence of the Court of Wards' authorities is there. In Court of Wards, villages not a single tenant dare go against the instructions of the manager and I am sure that the subordinates of

[Rao Narsingh Roy.]

the special manager will make it a point to see that no tenant gives a vote against their wishes or remains neutral. So that is the difficulty for which this motion has been made here in this House. If the Court of Wards' people were only to consult their wards and then exercise influence then the things would be different. But as you probably know, Sir, from your personal experience, that the wards of the Court of Wards are probably not the people, I think, at least in these provinces who are to be consulted by the special manager on points of this kind. They are to be ignored. I think every one in this House knows where the special manager gets his instructions from. Of course the special manager dare not go himself to the villages to direct the tenants to vote for so and so but he does influence the people to vote, as he directs them to vote, and this practice is undesirable and must be stopped. It is for this reason that this motion has been made. There may be legal arguments, there may be technical arguments that the Court of Wards' employee is not a Government servant, but for all practical purposes it is found everywhere that the Court of Wards' subordinates are as good Government officers as others in the district. I support this motion and I hope that Government would consider itself well advised in issuing instructions that the Court of Wards' employees should not take part in elections. And with that, Sir, I support this motion and I hope the Government will consider itself well-advised in issuing these directions that the Court of Wards employees are to leave the tenants alone. You see there is another point in this, Sir, that it is to train the people that they are not to be influenced by threats or by anything else. They have to make their own selection as to who they will vote for and should be left free. Of course because it is not so done by private zamindars there is no reason why the Court of Wards should follow their bad example. The Court of Wards should set an example both to tenants and to zamindars that this is how you should treat your tenants and leave them free to vote for anyone they like and not for anyone the zamindar likes. For this reason the Court of Wards must direct their subordinates that they are to leave the tenants alone and not to direct them to vote for any one. They are to tell them definitely that they are free to vote according to their own wishes freely, and for that reason I say that it is all the more advisable for Government to issue these instructions specially when they are asked by the House to do so.

Rai Rajeshwar Bali : As has been suggested by my friend to my right, there are two kinds of wards; there are those who are majors but whose estates are under the Court of Wards for indebtedness or other reasons, and then there are those who are minors and as such their estates are under the Court of Wards. But I do not agree with him when he says that there is little difference between the view of the Hon'ble the Senior Member of the Board of Revenue and the view which I expressed earlier. There is a lot of difference between the two views. The points which I wish to urge before the House are two. First, in the case of those estates which are under the Court of Wards and whose wards are majors, the wishes of the ward should be not only consulted but should be given effect to, for after all, in those cases it is the management of the estate which has been taken over by the Court of Wards and if those wards are able to exercise their judgment in other matters then there is no reason why they should be debarred from

doing so. My friend Thakur Rampal Singh quoted two very pertinent cases. For instance in the case of Thakur Rajendra Singh of Sitapur district it cannot be said that he was unable to form a judgment as to who should be supported by his estate, and similarly in the case of another gentleman who is old enough to form a judgment, and in that case his sister's son was a candidate. I see absolutely no justification why in these two cases the special managers should take it on their heads to support whoever they like without consulting the wishes of those two wards. As a matter of fact it appears it happened like this, for I am told that these questions which were replied to the other day by the Hon'ble the Finance Member were put much earlier and were put before the elections. I do not know what happened but somehow it appears that as the local people were bent on supporting one candidate or another, therefore they did not supply the answers to the Government inquiry. At any rate Government should have seen from the nature of the questions what was the intention of the questioner and as such they should have issued definite instructions. Coming to the case where the ward is a minor, I do not like that the Special Manager should act like a zamindar; for after all, there is a vast difference between the zamindar and the Manager of Court of Wards. A zamindar can do whatever he pleases; he can ask his tenants to vote in favour of anybody whom he likes; but such is not the case with a special manager. He is a Government servant and works under the district authorities, and therefore he cannot ask his people to work against the wishes of the district authorities. If a Special Manager interests himself in the elections, I think it would be quite reasonable to presume that he cannot take sides except as he is directed to do by the district authorities. Therefore, the difference between the two cases is quite obvious. I could not think how my friend Rai Bahadur Babu Jagadeva Roy could support the statement that the case is entirely similar. He has to bear in mind that the Special Manager has to work under the district authorities and if the district authorities direct him to act in a certain manner he, working under them, cannot act otherwise. Therefore, there is a lot of difference between a zamindar and a special manager of Court of Wards. Therefore, Sir, the propositions are quite obvious and I do not see why this matter should be laid before the Advisory Committee. As I said before, there are two propositions. In the case of those whose estates are under the Court of Wards because of the indebtedness of the estate or for some such reason and where the proprietors are able to exercise their judgment their wishes should certainly be given effect to; but in the case of those who are minors, I believe Government would be infringing on their own attitude of neutrality in elections if they allow the Court of Wards to take sides. If the replies of the Senior Member of the Board of Revenue as well as the Hon'ble the Finance Member are not satisfactory on both these points I do not propose to withdraw my motion.

Mr. E. F. Oppenheim rose to make a speech.

The Deputy President: The honourable member can reply only if the Hon'ble the Finance Member delegates his right of second speech.

The Hon'ble the Finance Member: I will delegate.

Mr. E. F. Oppenheim: The main proposition is that the Court of Wards should remain neutral in elections. I have heard many amazing propositions but none so amazing as this coming from a House which is

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supposed to consist mainly of representatives of landlords. I picture to myself an election in which on one side there is a landlord candidate and on the other side a socialist or a communist candidate. Is it the wish of the House that the Court of Wards which represent the interests of the landlords should remain neutral in a case like that?

Rai Rajeshwar Bali : May I put a question, Sir?

The Deputy President : Questions may be put at the end of the speech.

Mr. E. F. Oppenheim : I am dealing mainly with the General Elections as I consider that these elections are far more important to the landlord class, which is the class which the Court of Wards, represents, than the district and municipal board elections in which it is only in rare cases that important questions of principle are involved.

As regards the part to be taken by estates in elections, my view is that the part which should be taken would be the part which would be taken by the proprietor if he were a sound and careful proprietor and had the interests of the estate at heart.

Many of the proprietors who have been disqualified are not such. Some are lunatics, some are bankrupt and many are people who are extravagant. The wishes of such proprietors would be considered, but where the Court of Wards thought that their wishes were not sensible and where they thought that their wishes were not such as would be accepted by the landlord class, the Court of Wards would not act in the way in which one member, Mr. Brijnandan Lal, thought that I said that they would act.

As regards the case of individual employees Mr. Narsingh Rao thought that the Court of Wards would exercise pressure so as to force them to vote against their own consciences. The Court of Wards would never do that. Every voter—whether a Court of Wards employee or a tenant—would be free to vote according to the dictates of his conscience.

As regards the question in which Rai Rajeshwar Bali is particularly interested I have no personal knowledge of the election in question.

At this stage the Hon'ble the President took the Chair at 3.23 p. m.

Had it been brought to my notice that the Court of Wards officials had acted in an improper way I should at once have inquired about it. As regards the future, where wards are sensible and competent their wishes will always be complied with. Where they are not such, the Court of Wards will act in a way in which they think that a prudent landlord would act. They are trustees and not owners and they must act in the way in which trustees would act.

Rai Rajeshwar Bali : I wish to put two questions as regards this matter. As a matter of fact these questions were put much before the elections and therefore it cannot be said that the matter was not brought to the notice of the Government in time. As regards the two cases which I have quoted, may I ask whether the candidates who were opposed by the Court of Wards belonged to the communist party or to the revolutionary party, and secondly, I wish to know whether in the case of Kunwar Rajendra Singh he was considered by the Court of Wards authorities as a lunatic or one who was responsible for the indebtedness of his estate on

account of his personal extravagance or whether he was incompetent to form a judgment.

Mr. E. F. Oppenheim : May I make a personal explanation ?

I only know these two gentlemen by repute. I have no personal knowledge of the two cases but I think they come under the class of those who are sensible and intelligent, the class whose wishes would be complied with.

Rai Rajeshwar Bali : Will the Senior Member of the Board of Revenue make definite inquiries in these matters and if he finds that the wishes of these wards were not considered, will he take action ?

Mr. E. F. Oppenheim : Yes.

Rao Narsingh Rao : Sir, I want to put one question.

Are we now to take it that it has been decided in this House—rather legislated—that the Court of Wards authorities are to direct the tenantry to vote for the man whom they like or whom their wards like ? Is it the rule now and are they going to adopt this policy ?

The Hon'ble the President : Is this motion being pressed ?

Rai Rajeshwar Bali : Sir, as the. . .

The Hon'ble the President : I cannot allow the honourable member to make another speech.

Rai Rajeshwar Bali : Very well, Sir, I withdraw the motion.

The motion was, by leave, withdrawn.

Rai Bahadur Thakur Hauman Singh : I beg to move that under sub-head "C—Board of Revenue, Total Court of Wards, (b) Court of Wards department" (page 15), a reduction of Re. 1 be made.

This is not the first time when the question of the management of the Court of Wards has been discussed in this House. A good many things have been said before in connexion with Court of Wards management, but I regret to say that most of the grievances which have been brought to the notice of Government have not been remedied to this day. It is a well known fact that special managers of the Court of Wards do not take care of the wards properly, whether these wards are minors or females or adults. Their comforts are mostly overlooked by the employees of the Court of Wards. At the same time I may say that the employees of the Court of Wards, whether they are ziladars or sarbarakars or even special managers, are not the right type of men. They are often not free from corruption. To conceal their faults or in other words to safeguard themselves against the attack of the wards, they always see that good many things, which may not be real, are brought to the notice of the special manager or the district officer, so that if in any case the ward happens to be against them, they may put forth all the reports either in writing or verbally in their defence. This sort of treatment by the employees, I mean the subordinate employees of the Court of Wards, is not at all desirable. It should be the policy of the Court of Wards to see that the estates are well-managed and that the wards are put to no trouble. Of course they do their best to see that the management is carried on efficiently, but I am constrained to say that they shut their eyes to the inconveniences of their wards. There should be a change in this policy, and the Court of Wards should be very zealous to find out the cause of

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any complaint brought to their notice and to treat the culprit in a suitable way. If the Court of Wards make this a guiding principle for the management of the Court of Wards estates, I think all the complaints, which the wards generally have to lay at the door of the Court of Wards, will vanish.

Then, Sir, the Court of Wards has under its management estates, the gross rental of which is Rs. 1,53,20,776. This figure I take from the report of 1930. I do not know whether any other report has been issued after this or not. I have not been able to lay my hand on it. These estates are scattered all over the province. For each estate or a group of estates special managers are appointed to manage them under the direction of the district officer. From what I learnt from the report I can say for good reasons that the district officers do not pay as much attention to the Court of Wards work as the Government expects them to do. I think there is hardly any district where there is no estate under the management of the Court of Wards. There may be one or two of which I have no knowledge. So I can safely presume that there are at least 48 Court of Wards offices, *i.e.*, one office in each district. Out of these 48 offices the district officers have inspected only 18

Mr. E. F. Oppenheim : In some places a number of districts have only one office. The Benares division has only one special manager for five districts.

Rai Bahadur Thakur Hanuman Singh : Even then I would say that a large number of offices were not inspected during the year for which the report is available to me. From the reports I find that the district officers were asked to inspect the offices, but in spite of that, inspections have been too few to be considered satisfactory. By quoting these instances what I am driving at is that the work is generally left to the special manager, and the district officers act upon their reports and seldom see for themselves what should be done in one way or the other. The state of accounts in the Balrampur Court of Wards office was found to be in a deplorable condition some time ago. From the remark in the report of 1930 by the Secretary to the Board of Revenue I find that the state of accounts there is still not very satisfactory, because the very words of the Secretary to the Board of Revenue show there is still something wanting. His remark is that the accounts are not on the whole satisfactory. What do the words "on the whole" mean? It means that there are even now defects. To this attention was drawn by this House more than once.

Now, Sir, I come to the education of wards. No doubt in the report certain instances have been mentioned in which the wards have made very satisfactory progress and their school and college careers have been very very satisfactory. But considering the number of wards who are being educated under the Court of Wards, the result cannot be said to be very satisfactory. Though a detailed account of each ward is not given but from the report one can easily discern that the progress which the wards are making is not all that could be desired. In this connexion I would say that the Court of Wards generally employs guardian tutors or guardian tutoresses for the education of the wards which according to the Indian point of view cannot be considered to be very desirable. In most of these estates which are big and which can afford to pay large sums of

money on the education of the wards European tutors are generally employed. European tutors are generally unacquainted with the responsible work which the ward shall have to shoulder after attaining majority. He instils in him English ideas and manners which may be very useful to him when moving in European society, but I regret to say that those manners and those ideas cannot be very helpful when managing his estate. A landlord whose income from his estate is a lakh or two cannot afford always to be in his drawing room, to come out of it during court hours to hear the complaints of his tenants only by application and reports from his sarbarakars or ziladars. Well, these estate holders have to keep themselves in touch with their tenantry, and unless they keep themselves in touch with the tenantry, the tenantry will some day or other revolt against them and create a situation which it may become too difficult for them to meet. Many of them create in them some dislike for Indian things or Indian ways or Indian manners. Will such training be fruitful to him as a landlord? I think not.

Now I come to the female wards. The female wards are placed in the guardianship of European ladies who do not know anything whatsoever of the Indian mode of living. They are brought up by these European guardians as English ladies are brought up in their homes. After receiving education and becoming of marriageable age, well Sir, I wish to inquire from the Senior Member of the Board of Revenue where they will be married?

Mr. E. F. Oppenheim : May I make a remark. We make no discrimination in making appointments. We appoint a suitable Indian lady if we can find one. We make no distinction in favour of Europeans.

Rai Bahadur Thakur Hanuman Singh : They will be married to some Indian landlord, where their behaviour towards their husband, towards their relations, may be such that they may make their life embittered. Time has not yet come that English manners, English mode of living and English taste may be liked in Indian homes. What I mean to say is this that female wards should be brought in such a manner that they may become ladies fit for Indian homes and should possess such manners as may be pleasing to their husbands and the relatives of their husbands. Joint family system exists in India and will continue to exist for some time, but the result of the present conditions is that as soon as they are married they take up a separate home and live apart from their husband, parents and other relatives.

Now, Sir, I will refer to the question of agricultural and other farms which are under the management of the Court of Wards. From the report I find that there are about 43 such farms, of which 24 had given some profit, while the remaining 19 were run at a loss. Of these 19 some are important ones, which I will mention, and I will try to show what heavy losses have been borne by the estates. One of these farms is the Porter Agricultural Farm, Batesar. The loss on this was Rs. 54,908. Well, Sir, . . .

Mr. E. F. Oppenheim : My report shows on page 14 that the farm made a profit of Rs. 1,556 during the year. It is for the year ending September 30, 1931.

Rai Bahadur Thakur Hanuman Singh: I am referring to the report of the year 1930. Now there is another farm called the Balrampur Model Farm. The loss on it was Rs. 24,822. There is also a cattle breeding farm at Balrampur. The loss on it was Rs. 38,062. Losses on other farms were much smaller than these. I would like to know whether these farms are of any good to the estate or to the public. The public cannot afford to take up agriculture on the lines on which it is carried out at these unprofitable farms. It will therefore be better for the estates to shut these farms at once and have nothing to do with them. Had these estates, which I have just mentioned, not been big estates, these farms themselves would have been a cause of insolvency of the estates.

Now, Sir, in connexion with this motion I wish to make mention of the question of the employment of the relations of wards in estates under the Court of Wards. Owing to the progress of education, many families have become educated and I think that it should be the concern of the Court of Wards to employ relatives of the wards whose estates are under it. I do not mean to suggest that the relatives of a certain ward should be employed necessarily in the same estate, because in some cases employment of such a person may be a source of loss or some other disadvantage to the ward or to his estate, but he can very well be given a chance to serve and earn his livelihood in any other estate. If the Court of Wards itself will not patronize the relatives of wards, I do not know why other estates or the Government should not patronize them or do them some other favour in order to enable them to obtain their living. I therefore urge that all appointments under the Court of Wards should go to relatives of wards, provided they possess the requisite qualifications and are considered fit to be employed, and if no such relatives of wards are forthcoming, then those appointments should go to outsiders. Outsiders in preference to the relatives of wards should have no claim for service under the Court of Wards.

With these few remarks, I wish to resume my seat.

Mr. E. F. Oppenheim: The administration of the Court of Wards has been very thoroughly discussed by Thakur Hanuman Singh. With a great deal of what he has said I am in complete agreement, but I traverse his facts. I have endeavoured to take a note of all the questions raised by him and shall try to deal with them in the order in which he raised them.

The first question raised was that the Court of Wards did not take proper care of their wards. I consider that this allegation is entirely incorrect. We may fail, but we do our best. I read files every day which show me the enormous amount of trouble taken by Commissioners, district officers and special managers in regard to the care and education of our wards. The advisory committees also help us a great deal in this way. I know that when I was Commissioner I took a great deal of trouble to try and find out the institutions where a ward could receive the best education and I believe that all Commissioners do this.

The next question raised was that complaints of wards did not receive proper attention. There too I do not think that that statement is correct. Any complaint of a ward made to a special manager or to a district officer receives immediate attention. I have personal experience and can give direct evidence of the enormous amount of trouble which is taken in regard to these complaints. I think I must have five or

six interviews a week with regard to such complaints which very often come from the fair sex.

The next charge was that district officers did not pay attention to the Court of Wards administration. That I consider a most unjust charge. I can certify from my own personal experience, both as district officer and as Commissioner, that district officers pay an enormous amount of attention to Court of Wards matters. They probably hate inspection work as much as I do and therefore have not inspected the court of wards offices in much the same way as I never used to do myself but that they have done a good deal of office inspection is proved by the paragraph cited by the honourable mover from the Court of Wards Administration Report in which it was noted that the number of offices inspected had increased in that year from 15 to 18, a very remarkable achievement considering the extraordinarily extra amount of work which the officers had to do in the year in question.

The next accusation was in regard to accounts. There the quotation was made from my own report or rather from the report of Mr. Keane which dealt with the events of that year. I admit that accounts were not satisfactorily kept everywhere, but the report shows that on the whole accounts were well kept and where anything defective was found, immediate action was taken to put things right.

The next question raised was the employment of Europeans as tutors to wards, both male and female. I am first of all puzzled about the European tutors for male wards. The honourable member spoke as if the number was large. So far as I know the only European tutors are Colonel Hanson who was appointed recently after most careful consideration and Mr. Vaughan. I may say in this respect that we make no racial discrimination whatever in such appointments. If we can find a suitable Indian we should certainly employ him.

Exactly the same applies to ladies. So far as I remember none of these appointments have been made in my time and all have been made after careful consideration. If we can find suitable Indian ladies who are capable of doing this work we shall only be too glad to employ them. If the honourable member knows of any such ladies I shall be glad to have their names and addresses.

The next allegation was in regard to the work done by agricultural farms. The idea that the Court of Wards estates should not run agricultural farms is a most extraordinary one to come from a member of the landowning class. We consider that it is our duty to do our utmost to encourage agriculture. It is part of the duty of each rich estate to do this by running such farms. I have seen a great number of them and they are doing excellent work. The report for the year ending 1930 to which he refers says that some farms are run at a loss. This is quite true. Are there such farms run by landlords who have not lost on them on account of the fall in prices? If the Court of Wards estates lose a little money over such farms, that is a loss suffered for the benefit of their riyaya.

The last question was about the employment of the relations of wards. I can assure the House that if there is a relation of a ward who can suitably be employed, he will be given such an employment. We take the best men whom we can find. As an instance of our

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policy I note that only a few days ago I directed that the relation of a ward should be sent for special training under one of our best managers in order to have him qualified to manage a Court of Wards estate.

Shaikh Muhammad Habib-ullah : Sir, there are two special duties which fall on the Court of Wards when they assume superintendence of an estate, firstly, its management and, secondly, the education and bringing-up should the ward be a minor. As for the management of an estate, I think it is a kind of work which one might call routine, but even that routine work should be done by the people who are brought up in the environments in which they understand better the management of the zamindari work. I should like to know at this moment how many sons of zamindars are managers of Court of Wards. So far as the European element is concerned it is either an ex-employee of an indigo or tea plantation or some other factory. Or he may be a demobbed soldier during the last war. In the matter of employment I think there is a great range for the sons of zamindars in the Court of Wards department. It is a time when the sons of zamindars capable of training, capable of management are not wanted. There are graduates and even M.A.s who only a few years ago would have been asked to come and become members of the Provincial Service. Today nobody cares for them. Why not? I think I will only attribute it to the apathy of Government. Of course they believe that the landlordism is a passing phase and they do not attach so much importance to these vested interests or the community which represents them as they did in the past. I remember my own case. I took my degree. I was fortunately the first taluqdar's son who had taken a degree, and I proceeded with my study for the M.A. when all of a sudden I got a letter from a high official "Will you please come and see me." He offered me a deputy collectorship. He told me that was the highest appointment that could be given at that time to an Indian. I said I had not completed my studies and I may go to England. He said "Oh no no—don't go to England. We know your family, I know your father and we want you to come and serve the Government." Well I do not think the Government is so solicitous to get the sons of taluqdars at this moment. I think as far as the taluqdar community is concerned, mine is one of the smallest estates. But today I find sons of taluqdars and landlords holding much bigger estates than mine who are graduates and M.A.s but still preference will be given to a retired deputy collector or some sort of outsider to be put in charge of the Court of Wards. I think it is his right, if you understand it; it is your moral duty to provide him with employment in the Court of Wards department. Now, Sir, as for the bringing-up of the wards I should like to challenge the Court of Wards to produce a specimen of their products who is an ideal zamindar or social man who has been trained under the wings of the highly paid European staff. I should like to challenge them, Sir. While on the other hand the boys of families who have not had their education under the Court of Wards but have been trained by their own families are turning out much better than the product of the Court of Wards. The reason is this, there is no contact between the head of the Court of Wards and the family. Absolutely none. They work through an agent, who is called the manager, and he does not go there to support the family or with the idea that he is a servant of the family and will be turned out if he does

not do the proper thing for the family. He thinks he has gone there to govern the family and is the ruler of the family and that his orders must be obeyed by the family and the family must submit to him. I must say that there are many families whose estates go under the Court of Wards and who are as just remarked by the Senior Member either imbecile or lunatic. But the Court of Wards should not follow the principles of lunacy or the idiosyncracies of people declared incapable.

They will at every turn get the support of the community if they do anything in the interests of the education of the ward. I know the late Maharajah's father was educated by the Court of Wards. He was kept not only here; he was sent to Benares and some other places. But in those days the people of the Court of Wards were really more in touch with the wards' people than now and they realized our importance; but the present generation of rulers do not realize the importance of landlords; nor are they really interested in the bringing up of their wards. I have known two or three cases in which the owners of large estates, who have come into possession now, have been brought up under highly paid European military officers; they have imbibed all their vices but none of their virtues. The thing is this, that the Court of Wards have no idea as to what will be the duty and position of the ward when he comes into power. He may be brought up in the house of the Member of the Board of Revenue, but he will be no good to the community or to his estate when he comes back. He gets out of touch. So, we should develop a system by which the ward should be brought up in such an ideal fashion that when he comes into power he should be a model landlord and advanced and cultured man and befit for the position which he will enjoy. These are the two suggestions that I make in a friendly spirit to the Court of Wards and ask them that they should do their duty in this connexion as loyally as they can. After all, they are trustees, and under the law of trust they know what are the responsibilities of a trustee both as regards the property and person of a ward. To do it in a mechanical fashion is not what is required. We do not require machinery; we require real sympathy in the bringing up of the wards and in the management of our property. My friend the mover of the resolution has, among many other things, included the expenditure of the Court of Wards; but that is a matter of detail.

Rai Bahadur Thakur Hanuman Singh: It is spent on farms.

Shaikh Muhammad Habib-ullah: With due respect, Sir, to the honourable member, I cannot support him there. But I entirely support him as far as the criticism about the management of the property and the bringing up of the ward is concerned.

Rai Bahadur Thakur Hanuman Singh: The reply of Mr. Oppenheim is such as I expected when I got up to speak. Government benches, however true a criticism may be, never accept it; but I would repeat my statement that the behaviour of the Court of Wards employees is not at all satisfactory. I will request the Hon'ble the Senior Member of the Board of Revenue to inquire from landlords who may be interviewing him on business and then he will come to know what are their feelings and whether it is necessary for him to see that better treatment is accorded to the wards placed under his charge, whether they are minors or majors. He has been pleased to say that any complaint made to him is promptly attended to. I will ask, Sir, whether he inquires into the truth of the

[Rai Bahadur Thakur Hanuman Singh.]

complaint made to him himself or through other agencies than the special manager of the Court of Wards or whether he passes orders on the report of the special manager or the district officer. Then I would say, Sir, that he passes orders on one side of the case. He has said that my remarks regarding the inspection of the Court of Wards offices by the district officers have been unjust, and that the district officer's action has been a remarkable achievement. Well, Sir, it is he who can pay such high sounding tributes to the district officers but any one in my position will not agree with him. When I spoke about the education of wards under European guardian tutors my intention was far from any racial sentiment. European tutors may be very useful in bringing up boys and in preparing them for any other profession, but the profession of landlords, Sir, is a difficult profession and any one who has received education under a European tutor without mixing with his tenants and with Indians will never be a very successful landlord. Worse is the case with lady tutors. Many of them, I submit, cannot speak even a few sentences of correct Hindi or Urdu. Will girls under such tutors be able to speak fluent Hindi or Urdu after their education? I suppose that they will not. They may be able to converse in English very fluently, but their knowledge of Hindi or Urdu will still remain defective.

In replying to my complaint about farms for agriculture and cattle-breeding, the Senior Member said that the complaint made ought not to have been made by one who is either a landlord or connected with zamin-dari. I should like to inquire from him whether the money spent on the farms quoted by me in my speech has been fully utilized for the benefit of the estates, or has it benefited the cultivator in any way?

When the ward would come to know that big sums have been wasted on the farm, he would not surely carry on the cultivation on improved lines to incur heavy losses as is demonstrated by the Court of Wards farms. I do not know the history of other farms, but it is clear in my mind that the Balrampur farm is being run at a loss for many years. In previous years the loss has been more than Rs. 24,000. I do not wish to detain the House any longer. There are only two issues involved here.

The Hon'ble the President : I can only put one to the House.

Rai Bahadur Thakur Hanuman Singh : Both issues are so closely connected with each other that I would request the Chair to put them separately.

The Hon'ble the President : I will see what I can do.

Rai Bahadur Thakur Hanuman Singh : Well, then, I would make the two issues into one, namely, the better treatment of the wards by the special managers and a change in the policy of the education of minor wards and specially the minor girls.

The Hon'ble the Finance Member : I have little to add to what Mr. Oppenheim has already said. I understand that this question will be pressed, as it has been pressed every year and the honourable mover will score a victory. All I can say is that the Court of Wards remains unmoved and it goes on doing its best. I do not know whether Rai Bahadur Thakur Hanuman Singh is right or whether Mr. Oppenheim is right, or whether neither is right; but the Court of Wards will still continue to do its best.

The Hon'ble the President: The question is that " Under head C— Board of Revenue, Total, Court of Wards (b) Court of Wards department, a reduction of Re. 1 be made."

The question was put and negatived.

The Council was then at 4-30 p. m. adjourned till the next day.

APPENDIX A.

(See page 387 *supra*.)

Copy of inspection note referred to in answer to Starred question no. 28 for February 29, 1932, asked by SAHU JWALA SARAN KOTHIWALA.

I visited the jail today. The political "C" class prisoners many of them were closed in the ward of "habituals". Some of them complained that interview with their friends and relations was not satisfactory. Most of them are educated and they are also have to undergo to grindmill stones. I was surprised to note one thing and that was Babu Chhotey Lal, no. 5413, was given the solitary confinement on account of singing slogan. I found him to be an educated person. One Ajudhia Prasad, no. 5414, was found standing in handcuffs. This man was also a political person. These sort of punishments to both was given by the jail authorities, for the former 15 days and the latter for four days.

The food arrangements were quite satisfactory and the sanitary arrangements were also good.

LEGISLATIVE COUNCIL, UNITED PROVINCES OF AGRA AND OUDH.

Tuesday, March 1, 1932.

THE Council met at the Council House, Lucknow, at 10.30 a.m.
The Hon'ble Sir Sita Ram in the Chair.

PRESENT (89).

<p>The Hon'ble Mr. E. A. H. Blunt. The Hon'ble Captain Nawab Sir Muhammad Ahmad Sa'id Khan. The Hon'ble Nawab Muhammad Yusuf. The Hon'ble Mr. J. P. Srivastava. Mr. J. M. Clay. Mr. H. A. Lane. Mr. P. Mason. Mr. V. N. Mehta. Mr. F. Canning. Mr. J. R. W. Bennett. Mr. A. H. Mackenzie. Mr. J. N. L. Sathe. Mr. R. D. W. D. Macleod. Mr. C. St. L. Teyen. Rai Bahadur Pandit Suraj Din Bajpai. Mr. S. S. L. Dar. Mr. E. F. Oppenheim. Mr. K. N. Knox. Mr. S. T. Hollins. Khan Bahadur Saiyid Ain-ud-din. Mrs. Kailash Srivastava. Khan Bahadur Maulvi Fasih-ud-din. Mr. E. Ahmad Shah. Rai Sahib Babu Rama Charana. Mr. Perma. Rai Bahadur Babu Awadh Bihari Lal. Chaudhri Ram Dayal. Chaudhri Jagarnath. Chaudhri Baldeva. Sahu Jwala Saran Kothiwala. Mr. Tappu. Chaudhri Ram Chandra. Chaudhri Ghasita. Rai Bahadur Chaudhri Raghuraj Singh. Chaudhri Arjun Singh. Rao Bahadur Thakur Pratap Bhan Singh. Rao Bahadur Thakur Bikram Singh. Kunwar Girwar Singh. Chaudhri Dhirva Singh. Rao Krishna Pal Singh. Honorary Lieut. Raja Kali Charan Misra. Rao Bahadur Kunwar Sardar Singh. Rai Sahib Manmohan Sahai. Kunwar Jagbhan Singh. Thakur Keshava Chandra Singh.</p>	<p>Mr. Brijnandan Lal. Rao Narsingh Rao. Mr. Bhondwa. Chaudhri Bharos. Pandit Shri Sadayatan Pande. Rai Bahadur Babu Jagadeva Roy. Mr. Dahari. Rai Rajeshwari Prasad. Rai Bahadur Thakur Shiva Pati Singh. Thakur Giriraj Singh. Pandit Prem Ballabh Belwal. Thakur Jang Bahadur Singh Bisht. Pandit Brahma Dutt <i>alias</i> Bhaiya Sahib. Rai Bahadur Thakur Hanuman Singh. Lal Sheo Pratap Singh. Kunwar Diwakar Prakash Singh. Thakur Muneshwar Bakhsh Singh. Raja Jagdambika Pratap Narayan Singh. Lal Ambikeshwar Pratap Singh. Rai Rajeshwar Bali. Mr. Zahur Ahmad. Sved Ali Zaheer. Khan Bahadur Mr. Muhammad Abdul Bari. Sved Yusuf Ali. Khan Sahib Muhammad Maqsood Ali Khan. Shah Nazar Husain. Captain Nawab Muhammad Jamshed Ali Khan. Nawabzada Muhammad Liaquat Ali Khan. Hafiz Muhammad Ibrahim. Khan Sahib Muhammad Hadiyar Khan. Khan Bahadur Hafiz Hidayat Husain. Khan Bahadur Maulvi Saiyid Habib-ullah. M. Nisarullah. Khan Bahadur Saiyid Jafer Hossain. Sirdar Muhammad Shakirdad Khan. Muhammad Imtiaz Ahmad. Shaikh Muhammad Habibullah. Chaudhri Muhammad Ali. Thakur Rampal Singh. Rai Bahadur Kunwar Bisheshwar Dayal Seth. Raja Jagannath Bakhsh Singh. Mr. E. M. Souter. Rai Bahadur Babu Vikramajit Singh. Munshi Gajadhar Prasad.</p>
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QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

CASTES OF DEPRESSED CLASS MEMBERS.

*1. **Rai Sahib Babu Rama Charana** (*absent*): To what castes did the depressed class members nominated for local bodies by the Government between January 1, 1924, and February 1, 1926, belong?

The Hon'ble the Minister for Local Self-Government (Nawab Muhammad Yusuf): The collection of the information required by the honourable member would involve labour and time out of proportion to any utility it might now possess. Government therefore regret that they are unable to furnish it.

*2. **Pandit Prem Ballabh Belwal**: [*Postponed at the request of Government.*]

*3 to *10. **Hony. Lieut. Raja Kali Charan Misra**: [*Postponed at the request of Government.*]

*11. **Khan Bahadur Saiyid Jafer Hosain**: [*Postponed at the request of Government.*]

BUDGET, 1932-33—(*continued*).DISCUSSION OF DEMANDS FOR GRANTS—(*continued*).Grant No. 1. Head 22—General Administration—(*concluded*).

Rai Bahadur Thakur Hanuman Singh: I beg to move that under sub-head "Commissioners A—Main Office, Total Main office", a reduction of Re. 1 be made. In moving this motion I do not propose to bring before the Council anything new. The question of the abolition of the institution of Commissioners has been discussed on the floor of this House many times and the opinion of the Council has always been that the post of the Commissioner should be abolished. In this connection, Sir, resolutions for the abolition of the post were passed in pre-Reform days, and the evidence before the Royal Decentralization Commission was also to the effect that the post of Commissioner should be abolished as soon as possible. To consider this question a committee consisting of Sir Selwyn Fremantle, Sir Richard Burn, Mr. Pearson, Raja Sahib of Jahangirabad, the late Babu Anand Swarup . . .

The Hon'ble the President: May I point out to the honourable member that it is a long story and he need not go into it. Everybody knows this history very well.

Rai Bahadur Thakur Hanuman Singh: . . . and many others were appointed, and that committee recommended that half the posts of the Commissioners should be abolished. Since then the Government have not seen their way to take any prompt action in that direction. The Retrenchment Committee which sat very recently also recommended that half the posts of the Commissioners should be reduced. From a note in the report supplied to us on the action taken by the

GRANT NO. 1. HEAD 22—GENERAL ADMINISTRATION—(concl'd.).

Government on the recommendations of the Retrenchment Committee I find that correspondence concerning the general administration is going on and the questions concerning that department were under consideration. I hope the Government will come to the decision that at least half the posts of the Commissioners are abolished with a view to improve the finances of the province and to save expenditure which is no longer required. The Economy Committee which was presided over by Sir Selwyn Fremantle also recommended that half the posts of the Commissioners should go. So many opinions have been in favour of reduction of at least half the posts of Commissioners. The importance of this should not be ignored by the Government when highly placed officers of the experience of Sir Selwyn Fremantle and Sir Richard Burn were in favour of the abolition. I think the Government can have no reason to give for not taking any action on those recommendations. It is true that (when vested interests and drastic changes clash, the Government are very very reluctant to take action, but I would say that the Government should learn to concede to the wishes of the people if they are very reasonable and if they are backed by overwhelming opinions both of officials and non-officials.

The Hon'ble the Finance Member (Mr. E. A. H. Blunt) : This, of course, is a very old subject of debate in this House. I suppose there has never been a budget in which General Administration had to be discussed in which this matter of the abolition or reduction of Commissioners has not come up. Everybody knows what line has been taken in the past. I am in a somewhat difficult position. I explained the nature of the difficulties when I was speaking the other day in the general debate. However I think what I will say will probably satisfy the House. Government have fully considered the question of the abolition or reduction of Commissioners, they have come to certain conclusions and they have made certain recommendations. The precise nature of those recommendations I cannot divulge because they are now under correspondence with higher authority and the House knows that in those circumstances I can say nothing. At the same time I am quite aware that the House would like to press its own views and I quite admit that they have good reasons for doing so. Consequently as regards this particular cut, all I have to say is that I shall not oppose it. If the House sees fit to pass it, there will be no opposition from the Government benches.

The Hon'ble the President : In view of the statement of the Hon'ble the Finance Member, I hope there is no desire to prolong the debate.

Rai Bahadur Babu Vikramajit Singh : May I, Sir, with your permission, say a few words?

The Hon'ble the President : Yes, but may I remind the honourable member that *brevity is the soul of wit*?

Rai Bahadur Babu Vikramajit Singh : I do not think you will find me making a long-winded speech on any subject, especially the present one.

Rai Bahadur Babu Vikramajit Singh.]

This question, as has been pointed out by the Hon'ble the Finance Member, has become a very stale one and I thought that freshness will be introduced by the Hon'ble the Finance Member by making an announcement that the Government have at last accepted the recommendation of the Retrenchment Committee to abolish half the posts of the Commissioners. I know it very well, and so does the House, that this matter has been agitated over for at least ten years, since the inauguration of the Reforms Council in this House, and the insistence and the persistence with which the non-official members have year to year agitated this question is significant. But at the same time I am sorry to say that in spite of the overwhelming non-official opinion the Government did not think fit, before the recommendations of the present Retrenchment Committee reached it, to take any action in the matter. It is, however, refreshing to find that the Government are now sympathetically considering these recommendations. The Hon'ble the Finance Member has told us that he is not in a position to divulge the precise nature of the action taken. I do not know if this is a secret, because the Government could very well have said that they had accepted the recommendations and that it now rests with higher authority whether to accept those recommendations or not. I really do not understand how it becomes a very confidential matter for those members who have been interested in this matter for the past ten years. I do not know if there will be anybody even on the Government benches to say anything against a recommendation of this nature. Of course we all know that in the beginning when this question was raised, the attitude of the Government was to such an extent opposed to it that they used to ridicule it but I am glad to find that this stage has passed, and there is now a stage when the question is being considered sympathetically, thanks to the finances of these provinces. So that I hope that before long an announcement will be made by the Government that they have at least accepted the recommendation of the Retrenchment Committee, on the merits alone, I think that sooner or later all the posts of Commissioners will be abolished. As a matter of fact whatever may have been the necessity of keeping the Commissioners an intermediary body when the single head of the Government was the administrator, no need or necessity exists now when the Government is administered not by a single head but by a Cabinet or by the Ministers and the Executive Councillors. In this case it is all the more necessary to administer the districts directly without any intermediate agency, and with this view I think the Hon'ble the Finance Member has made a statement that the Government will not oppose it. I however think the Government will strongly represent to higher authorities that as far as possible half the posts of Commissioners should be abolished now and the other half may go when the Commissioners who are in charge vacate their office by promotion or retirement, and their posts when they are so vacated should not be filled up and no new Commissioners ought to be appointed.

Thakur Muneshwar Bakhsh Singh: Sir, may I say something regarding my motion No. 38? (Reduction of the item by Rs. 1,25,000)-

GRANT NO. 1. HEAD 22—GENERAL ADMINISTRATION—(contd.).

The Hon'ble the President: I looked for the honourable member, but he was not in his seat. He cannot move his motion now, but if he likes he can speak on the subject under discussion.

Rai Bahadur Thakur Hanuman Singh: The reply of the Hon'ble the Finance Member has been very satisfactory, and an interpretation can be put on it that half the number of the post of Commissioners will be abolished. But I wish to press the motion with a view to have once more the vote of the House recorded in favour of the abolition of half the posts.

The Hon'ble the Finance Member: I need not say much in reply to my friend Rai Bahadur Babu Vikramajit Singh. I should like to make clear, however, that I did not say that I would not oppose the Retrenchment Committee's recommendation; I said I would not oppose this particular cut. I hope I shall not be divulging any secret if I say that this particular question had been taken up by Government before the Government got the report of the Retrenchment Committee. I shall not oppose this.

The Hon'ble the President: I take it that the object of this cut is to press on the Government the desirability of securing a reduction in the number of Commissioners by half for the present.

The question is that under sub-head "Commissioners", a reduction of Re. 1 be made.

The question was put and agreed to.

Khan Bahadur Maulvi Fasih-ud-din: Sir, I beg to move a token cut of Re. 1 in the pay of Deputy Collectors under the sub-head "District Administration. A—(a)". It appears from the budget that the budget for the pay of the Deputy Collectors has been increased from Rs. 20,12,000 to Rs. 21,30,000, in spite of the emergency cut of Rs. 2,13,000. Thus the actual increase is Rs. 1,18,000 plus Rs. 2,13,000, or Rs. 3,13,000. This increase has been accounted for partially by the reversion of a number of Deputy Collectors from Survey and Settlement, and partly by the increments which the Deputy Collectors are entitled to under the system of time-scale pay and a sum of Rs. 79,000 has been set apart to meet the acting allowance of Deputy Collectors when they officiate as district officers. It is a matter for congratulation that this time the Deputy Collectors will be given a chance to officiate more frequently as district officers than they used to do before. There were days when a junior I. C. S. Assistant of two or three years' service had to officiate in preference to a Deputy Collector of 25 or 30 years' standing and such cases were not few and far between. His Excellency the Governor and his two lieutenants, the Hon'ble the Finance Member and the Chief Secretary, are to be congratulated over this departure from the policy by giving officiating chances to Deputy Collectors. I also find that the number of Deputy Collectors has been raised from 317 to 324, i.e., there is an increase of 7. But there is another still more important feature of the budget in connection with this particular head and it is this that the maximum scales of the pay of the Deputy Collectors, viz. Rs. 1,200 and

Khan Bahadur Maulvi Fasih-ud-din.]

Rs. 1,000, has been cut down and their maximum pay in the new scheme will be only Rs. 850. I am sure that considering the present financial stringency and the embarrassment of the Government the Deputy Collectors will not grudge the abolition of these two higher grades, provided that there is a similar abolition of the higher grades in the Imperial services. If that is not done, there will certainly be very great heart-burning and dissatisfaction amongst Deputy Collectors, and not only amongst Deputy Collectors but amongst other members of provincial services, such as the judicial officers whose maximum pay too is going to be reduced in a similar way. Some of us strongly pleaded the cause of Deputy Collectors yesterday, and I am sure that all the encomiums which were showered on them have been well deserved. The Deputy Collectors are really the backbone of the administration on the executive side. They did yeoman's work during the Great War and non-co-operation days and their loyalty is unquestionable but it is a pity that the treatment which is being meted out to them by some of the district officers leaves everything that is to be desired. Some stiffnecked district officers, I am sorry to say, keep them waiting in their shed of visitors for hours and hours together, and allow their subordinates, I mean their readers and ahmads as well halfpenny, twopenny *mulakati* to see them before the Deputy Collectors on the mere ground that they happen to come first. This is a sort of treatment which ought to be put a stop to with a strong hand by the Government. Besides, I notice that some of the senior district officers, both Indians and Europeans, treat them with very scant courtesy socially. They do not shake hands with them; they do not allow them to come to them on public occasions and to join their parties and other functions of the kind. I do admit that there are other district officers who are an exception to the rule, but the number of those who mete out bad treatment is sufficiently large enough to enable the Government to take action in a matter of this kind.

There is yet another grievance of the Deputy Collectors which requires the most serious consideration of the Government. It is this that even those who pass out their I.C.S. examination in India and who do not possess a superior calibre and superior social status treat the Deputy Collectors as if they were menials. It is an open secret that some of the I.C.S. youths who have the good fortune of passing through the I.C.S. examination in India had failed to get even the teachership of a school; some of them failed to pass the Deputy Collectors' examination. Some of them belong to families of very inferior reputation; some of them are sons of patwaris and constables and when these people by simply getting the three letters of the I.C.S. tacked to their names lord it over the Deputy Collectors in a right royal fashion, matters are indeed becoming intolerable. I claim that the average Deputy Collector is a person of the same calibre and in many cases a person of better social status than these people. It is high time for the Government to see to this matter and remove one of the most serious grievances of the Deputy Collectors. Time is not far away when the distinction between the provincial services and the I.C.S. will fade away. The I.C.S. is already losing its prestige.

on account of these new-comers whose social position is so low and the charm which attaches to its name and the halo of the glory with which it has been surrounded are fading away rapidly. The time is not very far when fitness and fitness alone will be the test of the superiority of the services. All this is due to the introduction of the scheme of unqualified examination here. I am not against competitive examination, but I am thoroughly against the introduction of a scheme of unqualified competitive examination. It is a pity that the English people in spite of their rule of one and a half century in India have not understood India as yet. They have not realized that caste and social distinctions still play an important part in the social polity of India and consequently in the administration of India. They have ignored this fact altogether and I think the sooner they realize it the better it will be for them. I do admit that the Indian Civil Service has proved itself to be one of the best services in the world. It has produced in the past, men who may rightly be styled as empire builders, men who have left a landmark in the history of administration, men who in spite of their pre-occupation with their administrative work have possessed an undying reputation in the literary and scientific world also, but I am sure that with the introduction of this element under the new conditions all that reputation will vanish and the Government will have to abolish by one stroke of pen, the invidious distinction between the Imperial and Provincial services and all this is due to the present scheme of the unqualified competitive examination, thanks to the mistaken policy of the Government. It is high time for the Government to cry a halt in this policy and either abolish . . .

Mr. Brijnandan Lal: I rise to a point of order. Is this question of competitive examination for the I. C. S. relevant to this motion?

Khan Bahadur Maulvi Fasih-ud-din: Yes, it is. I am driving at this point that under the present system of unqualified I.C.S. competitive examination the Deputy Collectors feel keenly over their degradation due to the creation of a class of people who are not superior to them either in merit or social status. Sir, it is high time for the Government to abolish the I.C.S. branch of India and to limit the I.C.S. post to the few people that care to qualify themselves for that branch in England. I do admit, Sir, that the Deputy Collector will be prepared to take off his hat to a man who has had the advantage of living and learning under a highly intellectual atmosphere of England or other European country. He can take off his hat to a man of good family although that family may be poor, but he certainly cannot pay an ungrudging tribute to a man who is not superior to him either in merit or in social status.

Rai Bahadur Babu Vikramajit Singh: Sir, I agree with the previous speaker (Khan Bahadur Maulvi Fasih-ud-din) so far as he has praised the work of the Deputy Collectors, and I also agree with him in saying that the treatment meted out to Deputy Collectors by District Officers, if it is not suitable or proper requires to be changed, that they ought to be treated in the same way as any other subordinate officer of high

Rai Bahadur Babu Vikramajit Singh.]

standing on the executive side should be treated. But I do not agree with him in many things which he has said with regard to the Indian Civil Service. I think my honourable friend was not right in attacking the Indian Civil Service in order to praise the Deputy Collectors. I think he used somewhat undignified language in saying that the sons of patwaris and constables and inferior people join the Indian Civil Service. I think, Sir, those days when people used to say :

پدرم سلطان ہوں

“My father was a King” have long gone by and now we are here in the midst of times when everyone is crying for democracy and it does not look very well to attack people’s parentage. I think a self-made man probably commands much greater respect than the son of a Nawab or Raja who is born with a silver spoon in his mouth. If a member of the Indian Civil Service by sheer dint of his ability, by sheer dint of his merit rises to a higher position that is a matter of gratification. I do not agree with my honourable friend when he says that these competitive examinations, or these unqualified competitive examinations should be abolished. Are we going back to the old practice of favouritism again, or are we going to allow people to determine their fitness by means of competitive examination? The Council for years past has been clamouring for competitive examinations in all directions and for my friend with all his experience in Government service and his long experience in the Council to come forward and say now when the Government is likely to go into the hands of popular control that you should go back and give up competitive examinations and go back to the lines of favouritism, I think is entirely wrong and I protest against an utterance of that nature made in the House by my friend for whom I have very great esteem and regard as a very old member of this Council and who at times speaks sense. Sir, it is no use comparing the merits of the I. C. S. people with Deputy Collectors. I think many of us are acquainted with the merits of the I. C. S. and of Deputy Collectors. I certainly stand for improvement in the condition of Deputy Collectors. I am certainly for improving the condition of the Indians in the service. But if anyone says that the merits of Deputy Collectors and I. C. S. men are alike I cannot join issue with him. I think the I. C. S. people get a much better and higher type of education and more liberal education than is given to an average Deputy Collector. But I know that there are exceptions, that there are Deputy Collectors who might hold their own as against I. C. S. men. But taking only an average example I will have no hesitation in saying that the education of an I. C. S. man is certainly superior and better than that of an average Deputy Collector. And while I would like very much to raise the status of Deputy Collectors and would like very much to improve that service, I would not say that an I. C. S. man is absolutely worthless, that he comes of an inferior social status, he has not got good education and therefore he should be washed out. That, I think, is an absolutely wrong statement. My honourable friend on my left (Rai Bahadur Thakur Hanuman Singh) has said that Deputy Collectors do not get an opportunity to show their

GRANT NO. 1. HEAD 22—GENERAL ADMINISTRATION—(concl'd.).

work. It may be that as the Deputy Collectors are under the control of the District Officers and as they belong to a service where the word of the District Officer counts for a good deal, probably they either do not get an opportunity to show their initiative or cannot take the initiative; but I think that in these services also there are men who, if given an opportunity to prove their merit or to prove their mettle may be able to do equally well as District Officers. I know there are people who have done well as District Officers, but you cannot praise them merely at the cost of the Indian Civil servants, because after all that is a service which has been appreciated and praised, and I think rightly praised in many cases.

My honourable friend has also said that competitive examinations in India ought to be abolished. I really fail to see the soundness of a proposition of that nature. The old Congress had clamoured for years to have simultaneous examinations; and if my honourable friend were to read the pages of the Congress discussions year after year he will find that honoured names like Dadabhai Naoroji, Mr. Hume and various other leaders of Indian public opinion always said that there ought to be simultaneous examination both in India and in England, and when that has been granted my honourable friend thinks that it is not a right course and that this ought to be abolished. I think that that is a very unpatriotic remark, and one would like that this should not be endorsed by the House. Therefore, I say, Sir, that in my opinion the treatment of Deputy Collectors certainly requires improvement. They ought to be treated by the District Officers in the same way as the Joint Magistrates or Civilian subordinates are treated, because, after all, they enjoy all the powers of the I. C. S. Joint Magistrate; they had got the same magisterial powers and position as the I. C. S. Joint Magistrate, but I will not be a party to anything which will go to run down the Indian Civil Service and to praise the Deputy Collectors at the cost of the I. C. S. I think both have got their own place; and consequently I think that all that is necessary to do is to remove the grievances of the Deputy Collectors, if they have any.

Khan Bahadur Hafiz Hidayat Husain: Sir, my honourable friend on my left (Khan Bahadur M. Fasih-ud-din) has been castigated for a certain statement of his by the honourable member for the United Provinces Chamber of Commerce. I think, Sir, in a matter like this a half-way house can accommodate the two conflicting views. I will first deal with the question of Deputy Collectors being badly treated by the I. C. S. officers. This question was taken up in this House in previous years, and on one occasion an assurance was given by the then Finance Member, Sir Sam O'Donnell, that instructions would be issued by the Government to all District Officers to treat their Deputy Collectors in a manner compatible with their office and position. I cannot say that the charge of ill-treatment against I. C. S. officers can be laid as a general proposition to apply to all I. C. S. officers. But I am not quite sure that there are not certain officers in the Indian Civil Service who

Khan Bahadur Hafiz Hidayat Husain.]

are not guilty and therefore I think that it will do to remind such officers that any complaints of this nature will not be tolerated by the Government. I come now to the question that has been taken up by my friend on the left. He has run down the competitive examination *en masse*. My friend from Cawnpore has extolled them *en bloc*. In the treatment of this question we might, I think, Sir, profit by the evidence that was given before the Royal Commission on the Civil Service at the House of Lords by certain members of this very distinguished service last year. I ask your permission, Sir, to read a sentence from the evidence given on January 28, 1931, by Sir Samuel Wilson, Permanent Under Secretary of State for the Colonies. He said: "Sometimes I get a fellow who is bursting with brains when I would rather get a man who had passed a little lower in the written examinations and had higher figures for the personality test." Later on in his evidence Sir Samuel Wilson said that by personality test he meant that the man must possess character and be a man of the world—a practical man. He must come of a family which has tradition and history behind it and provided these two qualifications are satisfied he will rather have a man who has passed lower in the examination than one who has attained very high marks. Sane opinion will endorse the views of Sir Samuel Wilson. Experience shows that even in the Indian services those who have tradition and history behind them and those who come of good families have behaved better and given more satisfaction to the public at large than those who have neither history nor tradition behind them and therefore, Sir, if some time ago this honourable House passed a resolution recommending to the Government to recruit sons of zamindars, in larger numbers in public services, the main idea underlying that resolution was that scions of zamindars' families having history behind them, having tradition behind them, would be able to understand the people better and will give more satisfaction in service than those who are without these qualifications. Sir, I am not at all against competitive examinations but I do think that competitive examinations pure and simple do not give the right sort of men as mere crammers can also get through them. Mere crammers should have no place in any service. The President of the Indian Public Services Commission some time ago giving his evidence said that he knew instances in which people who could not pass the P. C. S. examination came out successful in the I. C. S. examination. This shows some defect somewhere. With all this I do say, Sir, that competitive examination should certainly be maintained, they are test of merit and test of eligibility but I think that a little more emphasis should be laid on the personality test, I mean persons who have tradition and history behind them should be recruited in larger numbers.

Rai Bahadur Babu Vikramajit Singh : What about the large numbers for the *viva voce* examination in the Indian Civil Service.

Khan Bahadur Hafiz Hidayat Husain : *Viva voce* test does not supply all the requisities.

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Now, Sir, there is one other point which I want to lay emphasis upon. It cannot be said, as is often alleged these days, that the Indian Civil Service has deteriorated in efficiency simply because recourse is being had to nominations or even because the test of competitive examination has deteriorated. There I join issue, because, experience shows that those who have been taken by nomination have proved equally competent with those who have come by competitive test. On the contrary there are some taken by nomination who have proved by their merit and tact and also by the manner in which they have behaved themselves that they cannot be surpassed by any who has secured a very high number of marks in a competitive examination. Reason being that, in the matter of nominations, personality test is given the place of honour. To sum up, Sir, I agree with my friend to the left that mere competitive examination does not exclude admission of other than those who have been recruited by the competitive examination. My second point is that greater emphasis should be laid on the personality test, and those that have history and tradition behind them should be encouraged by Government to enter into the service more and more; and lastly I do say that the Government ought to be ever watchful of the integrity of the services, for unlike England they contribute very largely to the right formation and happiness of society in this country.

The Hon'ble the President: From the privileged position of an on-looker, the Chair concluded from the speech of the honourable mover that his main line of attack was with regard to the status of Deputy Collectors and their treatment. The method of recruitment by a competitive examination or by nomination as well as the deterioration in the I. C. S. examination were only side-issues, though of course of a very important nature. From the speeches made, however, by those who followed the honourable mover it appears that what were only incidental side-issues are likely to be converted into main issues. I should like to know therefore from the honourable mover what exactly he would like the verdict of the House upon, so that the debate may be regulated accordingly. No doubt all the issues raised by him are very important and would require a long debate, but if he attaches any particular importance to one or two issues, it would be much better if within the time at our disposal the House confined themselves to those only.

Khan Bahadur Maulvi Fasih-ud-din: My only object in moving this motion is to secure for the Deputy Collectors better treatment from their superior officers in matters official as well as social.

The Hon'ble the President: The Chair is much obliged to the honourable member for having clarified the issue. I hope that the speakers who will now follow will kindly confine themselves to this issue only.

Shaikh Muhammad Habib-ullah: When I stood up first to speak on this motion, I thought that the intention was to discuss the subject, as the Hon'ble the President has remarked in its broader aspect. Now, however, the issue has been clarified, which is to the effect that the

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treatment that is at present held out to Deputy Collectors is not desirable and that they should be shown greater consideration henceforward in matters official as well as social. When the honourable mover referred to the Deputy Collectors in his speech, I thought that he meant the provincial service. If I am mistaken I shall be glad if he will correct me. Now, Sir, the Provincial Service, as it is termed today, is a remnant of the old institution, the necessity of which does no longer exist. In those days when Heads of departments, the members of ruling races, the local administrators were only men who came out from Great Britain, it was found necessary to throw in the form of a sop for Indians some sort of service by which it could be said that they were holding posts of responsibility and were not treated absolutely as pariahs. This was in the mind of the then framers of the scheme when they brought into existence these posts. Now, Sir, after all it is said that the Deputy Collectors are being treated badly. I should like to know and I should like to challenge any member of this House from any district who could say that any self-respecting Deputy Collector has been or could have been treated badly. Here I am. I was twenty-five years in service, and I know some men of the Imperial Service tried to show me a cheek, but I retorted and silenced them. But, Sir, that is not the point under discussion; otherwise I could have said more and supported the honourable gentlemen who have spoken before. It is only a certain class of people who can hold their own if they are put in a position of trust and responsibility. But, as I have said, that is not the point. The point is that the Deputy Collectors are badly treated and that they should be treated better. I think it is up to the Deputy Collectors themselves to see that they are treated better. If in this world the people who are aggrieved do not remove their grievances by their own merit, they cannot get their grievances removed by any other means. Why should a Deputy Collector think that he is inferior to an I. C. S. man at all. Well, he too sits for the open competitive examination, he comes from the same class of people from which the I. C. S. people are selected—I mean the Indian element, and why should he consider that a man who has secured a greater number of marks is superior to himself? Sir, the first quality for anybody who holds an administrative appointment, is character. He should behave like a man who is fit to be at the head of administration and should have the quality of leadership. If he fails to have that quality, he will fail totally. We do not want a man, as is said in the Persian proverb, an ass laden with books. We want men who have got character, men who can hold their own, men who will maintain their dignity and self-respect. Why should we come and ask the members of the I. C. S. to show us more concessions, to raise our social status, to teach us better social ways? I cannot understand all this. I think we are more than they are in number, and if we combine ourselves and form our own society, I think these people who come about with an air of dignity and call themselves I. C. S. will come down to their knees and would like to come and join our society. I am afraid, Sir, the question, whether it refers to Deputy Collectors or whether it refers to the other services, somehow or other

has a bearing on the class of material out of which the members of our services are drawn. I quite agree with those gentlemen who say that the Deputy Collectors, so far as Indian element is concerned, are in no way drawn from an inferior element. In fact, if anything, they are better. After all there are selected appointments. In those selections the Government have their option to see that classes who have got certain qualities are given adequate representation in the service. So my appeal to the members of the House is that instead of coming to the Government every time to show this favour or that favour to a certain class of service they should preach the gospel of elevation to the members of the service—"Please be dignified; do not think that you are inferior to anybody because he is getting a better pay. That is no qualification". Better pay is no qualification I repeat again. What we want among the Deputy Collectors is a class of self-respecting men who will hold their own and who will not crave for indulgence from their superiors, the so-called I. C. S., who by reason of competitive examination and by reason of high pay are supposed to be their superiors in official position—but neither in the social position in the world nor otherwise. I know that if an Indian civilian retires to-day many of us would not care to shake hands with him. The same case applies to European civilians—at least to some of them who come here by the competitive examination. I do not mean many, because a greater percentage comes from a very good stock and a very good class of people—scholars and others. But there are some with whom, when they go back, their own countrymen would not care to shake hands—even the members of their own Service with whom they have worked on equal terms would not like to meet them.

Rai Bahadur Thakur Hanuman Singh: Sir, while disagreeing with certain statements of the honourable mover, I venture to say that he has been, to a large extent, correct in saying that the treatment of the District Officers towards the Deputy Collectors is anything but desirable. The Collectors who are generally I. C. S. men do not confide in the Deputy Collectors placed under their subordination as they do in I. C. S. men under them. One may say that the general public does not know what sort of treatment is accorded to the Deputy Collectors by their Collectors, but I hold that it is wrong to think that people do not know the respect or disrespect with which Deputy Collectors are treated by their District Officers. This is very very injurious to the morale of the Deputy Collectors as well as to the interest of public duties, because it is the Deputy Collector on whom falls the greater burden of the administration of the district. Better treatment to them by thier Collectors is sure to improve the administration of the district and give the Deputy Collector a sense of self-respect. My friend Shaikh Habib-ullah when speaking on this motion has said that the Deputy Collectors should make themselves self-respecting. No doubt it is true that no one who is not self respecting ought not to expect respect from others, but he had been long in the service to know what prospects a self-respecting Deputy Collector can have. His

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future prospects are injured and he is badly reported to the Government. His work may be of a very high order, he may be very honest and conscientious but if he has the courage to demand respect due to his position from his District Officer or the Commissioner he is doomed for ever. Is every Deputy Collector like Shaikh Habib-ullah, a taluqdar, who if removed from service would have enough to eat at his home? I think not. Therefore it is for the Government to see that a certain class of officers whose responsibilities are great are better treated by those under whom they are placed. In this connexion I would say that as the European I. C. S. men have been treating the Deputy Collectors in an undesirable manner our Indian I. C. S. men have thought it fit to treat them in the same way. My friend Mr. V. N. Mehta on the Government benches may question my statement, but I will ask him to see for himself what is going on in every day life. The Indian I. C. S. men should remember that they are not Europeans, who after their retirement will leave this country and forget it and be forgotten by it. In official pride and conceit they need not forget that they too are Indians and after retirement will live in India. So they must respect their own countrymen. They must try to raise the morale of their subordinates and encourage them to be self respecting. I may mention one instance, Sir, that is within my knowledge. A certain Indian I. C. S. District Officer happened to be on tour and a certain Deputy Collector on transfer came to the headquarters of the district. After taking over charge of his office, he thought it his incumbent duty to go and call on this Collector in camp. The Deputy Collector started very early in the morning, so that he might meet the Collector Sahib before he went out for inspection. He reached there in time, but the Collector had no time to see him then. He returned from his inspection work, had his breakfast, took rest and did his case work till it was 4 or 5 o'clock; this Deputy Collector all this time was sitting under a tree, of course on a chair, waiting the Barra Sahib's order for permission to see him, but that was not done. Fortunately, the camp of the Collector happened to be at the tahsil's headquarters. The tahsildar of that place saw the Deputy Collector, though he was unknown to him, went to him, took him to the tahsil and fed him. Had the tahsildar not fed him, the poor Deputy Collector would have returned to his house half-starved and at the same time humiliated at the treatment which was accorded to him.

Shaikh Muhammad Habib-ullah: Did he go after an appointment?

Rai Bahadur Thakur Hanuman Singh: No.

Shaikh Muhammad Habib-ullah: Fool.

Rai Bahadur Thakur Hanuman Singh: Does every Deputy Collector go to his Collector by appointment? It might have been my friend's practice when he was a Deputy Collector, but it is not the general practice. Sir, this is one instance, and I do not want to take the valuable time of the House by quoting many others.

Then, Sir, there is one more regrettable aspect of this treatment. The Provincial Service men, who happen to be lucky enough to rise to the post of District Officer, copy their European brethren and treat their

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mandum colleagues in the same way in which Europeans treat their Deputy Collectors. These Deputy Collectors . . .

Shaikh Muhammad Habib-ullah: Were you under one of them?

Rai Bahadur Thakur Hanuman Singh: Fortunately I was not.

Shaikh Muhammad Habib-ullah: So it is not your personal experience.

Rai Bahadur Thakur Hanuman Singh: Well, I live in this Province and when I meet Deputy Collectors they relate to me this grievance. These District Officers never care to pay return visits to the Deputy Collectors who were their colleagues. When Deputy Collectors go to pay them a visit, they make them wait under a tree or in a waiting room for a long time, and forget that it was a cause of grievance when they themselves were similarly treated by their superiors when they were Deputy Collectors. What to say of the Deputy Collectors, these bosses of the Provincial Civil Service do not care to call even on the Civil Surgeon who happens to belong to the Provincial Medical Service. They become so much self-conceited that they think themselves much superior men than the European I. C. S. men. I think, Sir, a Magistrate of the first class in charge of a sub-division has the same social status as they have; but it is always the intention of the District Officers as well as District Superintendents of Police that the Deputy Collector should always call on the District Superintendents of Police without expecting a return visit from them. This question is not a new question to this Council. It has been raised several times. It was, I think, only last year that the District Magistrate of Allahabad issued instructions to his Deputy Collectors that they should make it a point to call on the District Superintendent of Police. His order was questioned in this House and I think that on account of the action taken by Government it was withdrawn. The order might have been withdrawn, but, Sir, the desire, the wish of the highest executive officer of the district is there. It cannot really be withdrawn by any executive order. It is the desire, it is the conceit of prestige . . .

Mr. S. T. Hollins: May I say, Sir, that many Superintendents of Police do return calls of Deputy Collectors? I have done that myself both as Deputy Inspector-General and as Superintendent of Police.

Rai Bahadur Thakur Hanuman Singh: Well, I am not prepared to challenge the truth of the statement made by the Inspector-General of Police, but I can say that their number cannot be more than half a dozen at the most.

It has been said that the I. C. S. has produced great men. No doubt, it has.

Mr. V. N. Mehta: May I ask, Sir, whether it is the young I. C. S. officers, who are being attacked or whether the dignity of the Deputy Collectors is at stake?

Rai Bahadur Thakur Hanuman Singh: I could not follow exactly what is the point of the honourable member.

The Hon'ble the President: If the honourable member cannot follow let him go on.

Rai Bahadur Thakur Hanuman Singh: No doubt, the I. C. S. has produced great men, but if suitable chances are given to men of the Provincial Service, it is quite likely that that service will also produce equally great men. It is only when a man gets an opportunity that he can prove his worth and he can then rise higher and higher. If no chance is given to a man to show his worth, he will never try to make up his deficiency, because he will have no encouragement and there is no reason why he should take all the trouble. Well, Sir, I shall close my speech with a few words more. What I wish particularly to emphasize is this that very shortly a new constitution will be introduced in India and it will be the men of the Provincial Service who will have to shoulder much greater responsibilities. Therefore it should be the earnest desire of the Government to treat them better, to encourage them to be self-respecting and to remove such obstacles in their way as hinder their progress both morally and materially.

***Rai Rajeshwar Bali:** The honourable mover of this motion propounded certain very astounding propositions and made certain remarks which should not be allowed to go unchallenged. Sir, as you have given a ruling that the discussion over this motion should be confined only to the question of the treatment of Deputy Collectors by the members of the Indian Civil Service, I will not refer to certain other matters which were raised by him: for instance, whether the competitive system was the best system or it should be modified in some respects. But I wish to make it clear that the fact that we do not refer to it should not give the impression that we agree with all that the honourable member has said. As a matter of fact if I do not refer to that question at this stage, it is simply because of your ruling that we should confine our discussion to one particular subject.

Now, Sir, coming to the question of the treatment of Deputy Collectors by the members of the Indian Civil Service, I need not deal with it at any length. There are a number of retired Deputy Collectors in this House, very distinguished in themselves, and I think they can take very good care of their class, but as a layman I do not think we should allow the attack which has been made by the honourable mover against the treatment of Indian members of the Indian Civil Service to go unrefuted. I was rather surprised to find that he should have thought it fit to make statements against them and that he should confine those statements particularly against the Indian members of the I. C. S. If there are complaints, I believe they are common and unless the honourable member had proved it to the satisfaction of this House I do not think it was proper for him to make those statements against one section of the I. C. S. alone. So far as my knowledge and my experience go, I believe we can hardly make any distinction in the matter of treatment between one section of the I. C. S. and the other. I was further surprised to hear from him that these Indian members of the I. C. S. were at least in some cases inferior in qualifications or status to the members of the Provincial Civil Service. Well, Sir, I do not think that

* Speech not revised by the honourable member.

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he can substantiate that proposition. As regards the status, both of them come by the door of competitive examinations and I cannot imagine how it could happen that while the P. C. S. got a better type of Indians, the I. C. S. could not. As a matter of fact the test demanded in the I. C. S. competitive examination is much higher than that demanded in the P. C. S. Therefore I for myself could not follow how the Indian members of the I. C. S. could be lower in status or qualifications than the members of the Provincial Civil Service. Then, Sir, he referred to the fact that deputy collectors are made to wait and non-officials in some cases are given a more ready interview by the district authorities. . .

Khan Bahadur Maulvi Fasih-ud-din : I rise on a point of personal explanation, Sir. I never said non-officials. I said halfpenny and twopenny *mulakatis*.

Rai Rajeshwar Bali : I thought he was referring to non-officials because this halfpenny and twopenny class is also non-official. At any rate I am not prepared to accept the proposition that a deputy collector merely because he is a deputy collector should be given preference over others. Sir, it would be clear from my remarks which I made yesterday that I am for improving the lot of deputy collectors. I am for the removal of any disabilities which they may possess. I am in favour of giving them better opportunities to show their merits, but, Sir, we should not lose our sense of proportion. It is for this reason that I thought it my duty to intervene in this debate.

Rao Narsingh Rao : Sir, when the honourable mover moved this motion I was in a difficulty to understand and was thinking that this motion has got to be analysed and divided into various parts as the honourable mover made many points. Then after the first two speakers, Sir, the chair was pleased to make it clear and now the position is that only one aspect of the motion is to be discussed and it is the treatment offered to deputy collectors by their district officers. Sir, my honourable friend Shaikh Habib-ullah Sahib threw a challenge and after that challenge he analysed his speech very carefully in connexion with various phases of a man's life and I will like to reply to that challenge after I have spoken on other points. I will not say that the treatment offered to deputy collectors is in general bad. It is not a fact that all the district officers offer a bad treatment to all the deputy collectors. There are district officers who are almost like a machine in this respect. They are good by nature. They offer very good treatment to every one, may he be a deputy collector, a tahsildar, a naib-tahsildar or a sub-inspector. I have seen with my own eyes a district officer entertaining his clerks.

That cannot be said as a general rule. But of course Sir, I am sorry to say that I have also seen collectors who hoot down their deputy collectors, treat them almost like dogs. Now the question is this that these complaints should not exist. There must be definite instructions from the Government that district officers whether they are good by nature or bad, that does not matter but as long as they hold charge of a

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district they must offer proper treatment to their subordinates of whatever status they are. Deputy collectors ought to be treated as deputy collectors, tahsildars ought to be treated as tahsildars and naib-tahsildars ought to be treated as naib-tahsildars and of course the halfpenny two-penny visitors ought also to be treated as men at least. Sir the character—now referring a little to the challenge thrown that one must give an example where a deputy collector who is a self-respecting man has not got his share and that he has not been treated as he should have been. And then Shaikh Habib-ullah Sahib gives his aspect of the case. A man should first have a character, then he must form his own society and then the district officer has got to come down to his knees and attend to that deputy collector most respectfully who forms a party in the district and then Sir. . . .

Shaikh Muhammad Habib-ullah : I did not say a man, I spoke of the deputy collectors as a class—belonging to the provincial service.

Rao Narsingh Rao : Yes, Sir, that deputy collectors should as a class form a party and then of course he said about the Royalty not being able to compete in the competitive examinations.

Shaikh Muhammad Habib-ullah : I never said "Royalty".

Rao Narsingh Rao : No, I mean big families, I mean Royalty in that way—by Royalty I mean the bigger class of India from your point of view. Sir it is a very difficult subject. To begin with I must say that Shaikh Habib-ullah for that habit of his probably did not get the title of Khan Bahadur all his life as a member of the provincial service.

Shaikh Muhammad Habib-ullah : I got a bigger one.

Rao Narsingh Rao : Yes, Sir, he became a collector almost.

Shaikh Muhammad Habib-ullah : I got the title before I became a deputy collector.

Rao Narsingh Rao : I am sorry Sir. Then of course the difficulty of a deputy collector is that if he once expresses a little air of independence on a district magistrate he must understand before he does that that he is creating a hot bed for himself. As my honourable friend Rai Bahadur Thakur Hanuman Singh has said, there are so many, such a series of network in the administration of the Government that one never knows what is being written for him and that goes on for years together and one day it comes out and then you find where you are. You are ruined in service. Then there is a series of writings, such and such wrote this and such and such wrote this and the poor fellow does not know, he does not have a chance to explain when the writings were made and all of a sudden unfortunately he gets in the bad books of some district officer and then of course the whole record is opened and the poor man is nowhere. Examples of bad treatment meted out to self-respecting men—that is a very difficult proposition. First of all, you have to make clear what is the definition of a "self-respecting man". What is self-respect itself? If it is said that a self-respecting man's business is that whenever he is told anything he must at once contradict it and at once jump upon the man who says it, then you will find India

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has got a very unfortunate aspect in its civilisation and that is nowadays characterised as timidity. Of course, it is politeness. If a man goes to another man, he really does not want to be impolite; he wants to avoid impoliteness as far as possible; but if there are circumstances in which the other man becomes impolite then he becomes impolite too. But it is not a fact that every Indian as a rule becomes impolite in the very first talk. If you say that the impoliteness is a bar against your being a self-respecting man that is really very unfortunate. As regards examples, I may give one. Of course those days are gone—but I must explain a little of those days also, of course only a little. Some 20 years back, as every one knows, the deputy collectors used to live in the city and not in the civil lines as they now live. Their living in those days was not so expensive and up-to-date as now. Of course, in those days if a Joint Magistrate was not to call on the deputy collectors or the Superintendent of Police was not to call on the deputy collectors—I do not justify this—the reason might be that because they lived in the city and in ordinary houses and people living in civil lines would not like to go to those quarters. But now certainly a deputy collector, however difficult it may be for him as regards the expenses, lives in the civil lines and has got to live there; he may not have enough furniture to furnish his bungalow but he will live there and has got to live there. All that expensive life this class of men have accepted. But their misfortune does not go; it still remains and they really do not find any change (and if there is any it is very little) in the treatment they get from the district officers. I know very definitely of my own young age, when I was a boy . . .

The Hon'ble the President: May I ask the honourable member to come to the present time and not to remind us of his old days?

Rao Narsingh Rao: Yes, Sir. Here I have to give an example as a challenge has been thrown by Shaikh Habib-ullah. Instances have occurred in my own district since November 1930. The deputy collectors there have been treated badly in an extraordinary manner. You will find in the Etawah district that almost all the deputy collectors are going away on leave. Those people who were in the district in November 1930 are not to be seen in the district today with the exception of two gentlemen and even those two have asked for leave, but unfortunately their leave has not yet been granted. There is such a change and there is this treatment, and as a reply to the challenge I have given this example of the treatment that is offered to the deputy collectors in the Etawah district, and with these remarks I close my speech.

The Hon'ble the Finance Member: Sir, I take it that my duty is, as far as I can, to pour oil on troubled waters. We have heard from three retired members of the provincial civil service complaints that the present members of that service are frequently treated in an unmannerly and undesirable fashion by their superiors in the I. C. S. We have heard instances quoted by members who are and always have been non-officials. We have heard the I. C. S., and especially the young Indian members

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of it, decried; and we have heard the P. C. S. praised to the skies. It is very difficult for Government to say much on a debate of this kind. It hold the very highest view of the provincial civil service; and not only does Government as a whole hold that view but I could mention senior officers of my service who also put a very high value on the provincial civil service. The day is coming before very long when all the services will be provincial. At the present time they are climbing, but they are climbing very quickly. From what I have heard; I am afraid some of these tales of bad treatment may be true. At the same time I think the House will admit that without concrete cases it is very difficult for Government to do very much. This I can say that if a concrete case of the type which has been described came to Government's notice then Government will take the most serious possible view of it. I shall certainly put this case to Government as a whole, and I shall suggest that the existing situation in the matter—rules and orders—be examined and if necessary fresh orders be issued. More than that I cannot say. I do not want to enter into comparisons. Comparisons, however tactfully made, cannot but be odious; I am not going to pass any comments on either service. Each service undoubtedly has some members who are not so good as the rest of the service. I will not go further than that. All I can say is that Government will take this debate fully under its consideration and if it comes to the conclusion that any action is necessary it will undoubtedly take it. I also repeat that any proved concrete case of bad treatment such as has been described, if brought to the notice of Government, will be dealt with very severely and very seriously.

Khan Bahadur Maulvi Fasih-ud-din: I have not to say much on the subject, but I will refer very briefly to one or two speeches that have been made and which have an important bearing on the question which I have raised.

My honourable friend, the member for the U. P. Chamber of Commerce, had his knife into me when I said that deputy collectors stand on the same footing or even on a better footing than those members of the Indian Civil Service who pass out I. C. S. examination in India in the matter of intellect as well as of social position. He and the Deputy Leader of the party which he has left, both allege that a person who passes a superior examination must be looked upon as superior to a person who passes an inferior examination. I ask both these gentlemen if examination is the only test of intellect or also of his capacity for administrative work.

The Hon'ble the President: The honourable member is free to ask but the honourable gentlemen are not free to reply now. They have already spoken.

Khan Bahadur Maulvi Fasih-ud-din: The mere passing of a superior examination does not mean that one who has passed an inferior examination is necessarily inferior to the other man. I put before these gentlemen the names of high personages, who have distinguished themselves

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in their life, and I put it to them to say whether they are the products of a competitive examination.

The Hon'ble the President: I rule that out of order. We have no concern with that now. The honourable member must come to the point.

Khan Bahadur Maulvi Fasih-ud-din: The theory which they have propounded about the examination is perfectly incorrect and is not consistent with facts, and for that reason I hold that a deputy collector should not be treated in any way different to the man who has passed a superior examination.

The other point raised by my honourable friend, Shaikh Habib-ullah, comes to this :—"Let us not come before the Government on our knees and beg the Government to do this or that, and that it depends on the deputy collectors themselves to maintain their position and their sense of self-respect". About this theory of his I have to join issue with him. I have very great respect for my honourable friend, whom I know from my boyhood, and I am sure that he too like my own humble self talks sense at times. But I am sorry that he has entirely missed the point which I raised. I want the Government to issue instructions to district officers to accord better treatment to deputy collectors. That is my object pure and simple.

Shaikh Muhammad Habib Ullah: Have I said that they should not?

Khan Bahadur Maulvi Fasih-ud-din: I am very glad that some of the speakers of today have given me a very strong and valuable support. They have proved by what they have said that the deputy collectors as a rule are treated badly by at least some of the district officers, if not by all; and that is the point which I wish to press. I am also thankful to the Hon'ble the Finance Member who has admitted that there is some substratum of truth in the allegations which have been made on the floor of this Council today, and I hope that he will issue the instructions which he has promised today to the various district officers. I must also make it clear that I have not run down all the district officers, as a class, in these provinces. But if there is one district officer in the province who metes out that sort of treatment, it is up to the Government to check him and to issue instructions for that purpose. With these remarks, Sir, I beg to withdraw my motion.

The motion was, by leave, withdrawn.

Sardar Muhammad Shakir Dad Khan: I beg to move that under sub-head District Administration, A—General establishment, 1. Special Treasury officers, a reduction of Re. 1 be made.

Sir, it is not necessary to have so many special treasury officers. I find that Rs. 27,405 have been provided in the budget for nine special treasury officers. The whole of this amount should be cut out by the Government. A large number of deputy collectors have recently reverted from the work of survey and settlement, and they can easily be utilized

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for this purpose. In fact with the abolition of the post of special treasury officers and many deputy collectors have recently taken the work of treasury officers, I cannot understand why these special treasury officers have been kept and the tax-payer put to a loss of Rs. 27,000.

The Hon'ble the Finance Member: Sir, I am afraid I must entirely disagree with my honourable friend. He thinks that the number of the special treasury officers is 9. It is really larger. Instead of 9 he should read it 15. These treasury officers are much cheaper than deputy collectors and give a saving of Rs. 4 to 6 hundred. Most of the deputy collectors who are treasury officers do not like the job; whereas these treasury officers are expert in the business of a treasury. We can save a large sum of money by substituting treasury officers for deputy collectors in charge of treasuries: and I have no hesitation in saying that this will be done. The small excess of seven deputy collectors is more apparent than real, because the existing cadre is considerably less than the full cadre. And the mere fact that the existing number of deputy collectors for ordinary work is not sufficient proves the necessity for these special treasury officers.

Sardar Muhammad Shakir Dad Khan: Sir, I did not mean that these deputy collectors should do the work of treasuries exclusively, but that they should do it in addition to their own duties. I think they can do this very well.

The Hon'ble the President: The question is that under sub-head District Administration, A—General establishment, 1. Special Treasury Officers, a reduction of Re. 1 be made.

The question was put and negatived.

Sardar Muhammad Shakir Dad Khan: Sir, I beg to move that under sub-head District Administration, A—(a) General establishment, 2. Pay of establishment (clerks), a reduction of Re. 1 be made. The last budget under this head was Rs. 16,98,416 and the present budget is Rs. 17,00,031. There is an increase of about Rs. 1,02,000. . .

The Hon'ble the President: The difference of one lakh is a little too much.

Sardar Muhammad Shakir Dad Khan: The difference is about Rs. 2,000 under this head as the number is even a little less than last year by, namely, 2,067 as against 2,076. It is clear that the increase is due to increments on account of the time-scale of pay. This time-scale of pay has been introduced recently and in view of the great financial stringency, it should be abolished forthwith. This system of time-scale of pay would increase expenditure not by lakhs but by crores. For this reason I move this token cut.

The Hon'ble the President: Does the honourable member advocate the abolition of the time-scale of pay for clerks?

Sardar Muhammad Shakir Dad Khan: Yes, Sir.

Mr. C. St. L. Teyen: Sir, the honourable member has complained that there was a reduction of nine posts, and that there is still an increase

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of about Rs. 2,000 in pay. As a matter of fact if we had not reduced these nine posts, there would have been a greater increase owing to the accrual of increments. Nor is he correct in saying that the time-scale of pay has recently been introduced. There has been no change in the pay of the staff since 1921. There will, however, be a change very shortly. New scales of pay are being sanctioned for new entrants and they are much lower than the present rates.

Khan Bahadur Maulvi Fasih-ud-din Will the Government do away with the time-scale of pay?

Mr. C. St. L. Teyen: A full time-scale of pay the Government is not going to introduce: it is thinking of introducing partly an incremental scale of pay. There is no time scale; nor will there be one in future. I think that the honourable member moved his motion under a misapprehension.

The motion was, by leave, withdrawn.

Sardar Muhammad Shakir Dad Khan: Sir, I beg to move that under sub-head District Administration, A—(a) General establishment, 2. Pay of establishment, Extra money testers, a reduction of Re. 1 be made. The provision for the entertainment of money testers is Rs. 6,637 as against the old budget of Rs. 10,000. Thus there is a decrease of about Rs. 4,000 under this head. There should have been no decrease under this head because it is a matter of notoriety that a very large number of coins are passed into the treasuries and similarly issued to the public due to the absence from the treasury. This state of things is due to there being not a sufficient number of testers in the treasury. Due to the absence of a sufficient number of testers in the treasury several treasurers have complained about it. I therefore move that the Government will establish the old budget.

Mr. C. St. L. Teyen: It is unusual for an honourable member in these days of financial stringency to ask the Government to spend more money, but in this matter of course the honourable member is correct for, so far as possible, we should not have too small a staff to test the correctness of money received at treasuries. Government have rarely refused a demand for temporary staff of money testers, and the budget provision is based on the requirements of district officers after consulting their treasury officers. If eventually it is found that more money testers are required, I have no doubt that the Government will consider individual cases, and if they are satisfied, they will sanction the extra staff needed.

The motion was, by leave, withdrawn.

Rai Bahadur Thakur Hanuman Singh: I beg to move that under sub-head District Administration, A—(a) General establishment, 4. Allowances and honoraria, a reduction of Rs. 40,000 be made.

In the budget for last year the provision for travelling allowance was Rs. 2,85,000 and this year Rs. 2,86,558 has been provided. It is

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a fact that the Government has reduced the travelling allowance but there is no reduction in the amount which has been provided for the budget year. I have tried to find out whether there is any amount on account of the emergency cut but there is none. I therefore move this reduction.

Mr. C. St. L. Teyen : The mover has taken only one item, though his motion relates to the whole sub-head of allowances on which he wants a cut of Rs. 40,000. Exclusive of dietary charges the allowance comes to Rs. 6,300 per district, and that amount of money is for all the Deputy Collectors, their transfers etc., including clerks, peons and so on. I do not think the figure can be regarded as extravagant. The only justification which the honourable mover put forward was the reduced rates of travelling allowance. That the Government did consider. Our recent monthly actuals, however, showed that owing to the Civil Disobedience. Movement and other local troubles, officers have had to do a great deal of travelling and travelling expenses have not been falling with reference to the new rules. It is not that the rules are defective, but merely that officers were compelled to make tours more frequently than in normal circumstances they have to do. So far as can be foreseen, tours will be necessary next year. For this reason Government did not make any cut in the allotment.

Rai Bahadur Thakur Hanuman Singh : After listening to the Finance Secretary, I find that a provision a little more than the previous year's provision has been made. . . .

The Hon'ble the President : Well, that is explained by the footnote.

Mr. C. St. L. Teyen : Yes, I am sorry I omitted to mention that.

Rai Bahadur Thakur Hanuman Singh : . . . on account of the expected touring during the budget year, owing to the no-rent campaign and other troubles. But considering the reduction in the rate of travelling allowances, I think provision must have been made smaller than this in the budget.

The Hon'ble the Finance Member : Sir, we know nothing and cannot guess, what sort of year the next is likely to be, either politically or economically. We have all through the budget assumed that it will be a bad year, and of course if it is a bad year, either economically or politically, then there will be extensive touring necessary. That accounts for the fact that we have not reduced this figure. If matters turn out better than we expect, as I hope they will, then I can assure my honourable friend that this money will not be spent. What I put to him is this,—is it better to let us have the money now on the assurance that it will not be spent if it can possibly be saved, or to cut it short now and compel us to come for a supplementary estimate later? Supposing this is done, well he will be very first person to blame us for not having foreseen that we wanted this money. I beg him to allow this money to stand. I can promise him that I shall give my personal attention to see that this is not wastefully spent; and I prefer to have the money here and now in my pocket rather than to come and ask for it later, and then be told that I ought to have foreseen that I wanted it.

Rai Bahadur Thakur Hanuman Singh: I permit the money to be kept.

The motion was, by leave, withdrawn.

Khan Bahadur Maulvi Fasih-ud-din: Sir, I beg to move a token cut of Re. 1 under sub-head District Administration, A—(a) General establishment, 7. Contingencies of honorary magistrates.

Sir, somehow or other I happen to possess the notoriety of having brought before this honourable House the question of the appointment of honorary magistrates, and I am aware of the fact that this honourable House has been giving me its full support in connexion with this matter. There are other honourable members of the House who have also been interested in this question. It was about five years ago when I brought this question before the Council, and after the lapse of the quinquennium that has passed, we are just at the same point at which we happened to be then. I mean that not one single improvement has been made in the morale of the honorary magistrates. Collectors at times appoint men with very low status and with but very little literacy if at all. The work of the honorary magistrate is of the highest importance. The magistrate can send a man to jail, deprive him of his liberty and subject him to an eternal disgrace in society. For that reason my contention is that it is the height of patriotism not to allow any man, who is ignorant of the A. B. C. of the Criminal Law, to take up this work, not to give an almost illiterate man the powers of snatching away the liberty of a person. Many of the accused are village rustics who cannot defend themselves and who content themselves by merely saying that they have not committed the offence. They are too poor to engage a lawyer and even if they engage a lawyer in at least 4 cases out of 10 the honorary magistrate does not and cannot follow his arguments. It is a matter of very serious nature that has produced a sort of everlasting discontent amongst the inhabitants of the rural areas. I bring up this matter repeatedly before this Council not in order to ventilate my views or to do any propaganda work. In fact I make myself unpopular with many of my friends. I must confess that there is a large number of honorary magistrates who are as good as the stipendiary magistrates. But the position that I take is this that there should not be one single man in their fold who may be called a black sheep. The presence of one man amongst them reduces the status and the position of all of them and such an honorary magistrate is a source of danger to the society. Sir, we have been asking the Government to frame rules governing the appointment of honorary magistrates and laying down their minimum qualifications, but I am sorry to say that we have not succeeded hitherto. It is in order to direct the attention of the Government to this laxity on its part that I have brought this motion before the House.

Raja Jagannath Bakhsh Singh: Laxity in what?

Khan Bahadur Maulvi Fasih-ud-din: In making rules relating to the appointment and qualifications of honorary magistrates.

Pandit Shri Sadayatan Pande: Sir, when I rise to speak on this motion I rise to strengthen the arguments of my honourable friend, Khan Bahadur Maulvi Fasih-ud-din and to give my wholehearted support to his motion. It is well known to many honourable members, who are accustomed to read newspapers and proceedings of this Council, that many questions have been put and a resolution was also moved on the floor of the House some years ago to the effect that Government should appoint honorary magistrates only such persons as are able to read and write correctly and that no persons should be selected for that office who are so advanced in age that they are unable to attend to the court business properly owing to physical infirmities. It appears, Sir, that in spite of the lapse of so much time, no attention has been paid by Government to the wishes of the honourable members. I think it is high time now that Government took a serious view of the matter so that no such appointments are made in future. District Magistrates should be made to understand very distinctly that they should not recommend any person, who is either of low status or educationally unfit or is unable to work properly on account of old age. The gravity of the situation has become so acute that our attention has been very pointedly drawn to this fact and it is now our duty to draw the attention of Government and press upon it that it should take a serious view of the matter.

My second point is this. When a detailed examination was being made of every department in connexion with retrenchment, a suggestion was made by one or two district officers that honorary magistrates should themselves meet the pay of their ahlmaks. This is, in my opinion, a proposal which seems to me quite improper. When a private gentleman agrees to give his time to honorary work, it is not proper to ask him to incur expenditure out of his own pocket on the upkeep of a clerk. It may be that Government is not able to meet the pay of many clerks attached to the courts of honorary magistrates, on account of financial stringency but that was not the correct solution of it. The correct solution was to ask the honorary magistrates to inquire from their clerks whether they were prepared to accept lower salaries and work. Well, this was not done. My suggestion is that the district officers should be asked to provide clerks to all honorary courts on proper salaries who decide more than 100 cases in the year. It may be that they may be paid on a lesser scale than that on which they have been paid in former years.

Saiyid Yusuf Ali: In this connexion I have an old grievance and I think this is the occasion to express it. Last year I sent certain questions on the subject but the reply to those questions that was given to me was wholly unsatisfactory. I raised the point whether Government have fixed any standard of qualifications for the appointment of honorary magistrates. First of all I may mention here that those questions were sent to the district and then they were sent to the different honorary magistrates for a reply. I happened to see some of the answers. I personally know that in my district more than half of the honorary magistrates are so to say practically illiterate. By literate I do not mean that the man may be able to read and write elementary alphabets of *alif*, *be*, *te*, *se* etc., but I mean that he should be able to understand the most delicate propositions of law

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that sometimes arise before an honorary magistrate when he is trying a case. We all know that honorary magistrates are not to be appointed only with one object and that that object may be the object of the Government only. The Government ought to look also to the convenience and the service which they can do to the public. I am sorry to submit before this House that the Government in the appointment of these honorary magistrates have absolutely ignored the other point. As far as I know, the appointment is made solely on the criterion whether that man would serve a certain purpose for which he is appointed and the other point of administration of justice is absolutely ignored. I think this is clear that an honorary magistrate in which term I include a special magistrate also, has got twofold duties to perform. First he does a sort of propaganda work for the Government; secondly, he does also a sort of service to the public. I will point out to the Government if they are unaware, that a man who is not well conversant with the art of propaganda is more injurious to the interests of the Government than one who knows the art of propaganda and can do it with success. They must appreciate now the futility of this argument. They also must be alive to the fact that this office carries with it a higher responsibility than it is considered that it does by those who have got the power to appoint honorary magistrates. Secondly they must also look to the limit of age up to which they should allow anybody to work as an honorary magistrate. It is an admitted fact that in Government service after 55 years a man is compelled to retire, but we find that an honorary magistrate after he is retired from Government service is made to work as a special magistrate or an honorary magistrate. Can anybody think that after serving the Government successfully and faithfully till the age of 55 years a man will retain the qualifications of administering justice successfully to the person with whom he has to come into contact? In old age after 55 years the nerves are so much strained that a man cannot appreciate and cannot have strength to understand and hear lengthy arguments that are put before him in such cases. Honourable members of this House also know that now-a-days the practice prevalent in districts is that paid magistrates mostly send cases for trial to honorary or special magistrates and lawyers have to appear before these magistrates. Now Sir, these honorary magistrates being absolutely ignorant of law do not understand sections of the Indian Penal Code. A section of it is read out in English. The magistrate is sitting there dozing over the book and seeing the persons present there, but does not know the language in which that book is written. Then he uses his authority to suppress the arguments that are put forward by the counsel. They treat argument in this way. They say, yes, yes, we have heard the arguments. We do not appreciate them. There is nothing in them. I think this is not administration of justice in the true sense of the word, but it is the abuse of the administration of justice. A man comes to a court, handcuffed challaned by police which cannot understand the language of law under which the man is being tried. Administration of justice should be at least by a person who is capable to understand the simple meaning of the words. The translation of the

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Indian Penal Code is difficult. It is difficult to find exact Urdu words for the words used in it. The book that was written in 1860 was so exhaustively written that any translation of it in Urdu of some sections is difficult what to say of the meaning that are expressed by the person before a magistrate who does not know that language. In one of the questions that I put to Government I asked whether the Government was ready to change policy and the reply that was given to that question was most surprising and the Government did not give me any assurance that in future it will be careful not to appoint such persons, and up till now I find that the same policy is being continued. In this connexion I want to quote one instance before the House so that the House may know what sort of people are appointed as honorary magistrates in villages. Unfortunately I being a lawyer I also have to go to these courts. Once I was engaged in a section 323 case. Although it was an ordinary case but it became of some importance as it was contested by parties on both sides. Unfortunately the case was transferred to the court of an honorary magistrate in a village and that was about ten miles from the railway station. So I had to travel on a bullock cart to that place. When I reached the house of the honorary magistrate I found that there was a thatch on mud walls and there was one person sitting with a *bandi* and *dhoti* on him. I will now . . .

Chaudhri Muhammad Ali: May I know, Sir, if the honourable speaker lost that case?

Saiyid Yusuf Ali: I will reply to the honourable member who wants to inquire whether I lost the case. I will say that my own appearance, imposing as it is, influenced the honorary magistrate and he decided the case in my favour. I think now you will be glad to hear the result of the case.

Now, Sir, when I went there I found that the gentleman was sitting on a *charpai* without a *durrie* even and I inquired where the honorary magistrate was before whom I had to appear. The gentleman who was the honorary magistrate himself finding me with a hat on thought I was a Sahib. He at once crept away from the *charpai* and ran away to his house and then someone informed me that he was the honorary magistrate. I said I was sorry for not saluting him. Then he came out of the house after about two hours and he said "*Munshi koi Mukadma hai?*" He said "yes sir". Then he asked who was appearing and the man said "a Sahib has come from the district". He asked me whether I had a case and he called the other party and said "why don't you compromise this case? There seems to be nothing in it." So the case was compromised at that very moment. This is the state of the honorary magistrates appointed and they are supposed to administer justice. I won the case, but I want to know if a serious or intricate case had come to that gentleman how would he have appreciated the legal points in it, and yet I think Government considers itself successful in seeing that Indians are themselves administering justice so beautifully. Although I may say the blame is not on the Indians because the right sort of people are not selected for it and if the right people were selected I feel they would

perhaps do justice better than most of the magistrates. So I think this is a subject which should be very carefully considered and I request Government that the policy of Government should be changed in future in the appointment of these honorary magistrates.

The Hon'ble the Home Member (Captain Nawab Sir Muhammad Ahmad Said Khan): Sir, I was hardly expecting that the poor honorary magistrates are going to be discussed once again on the floor of this House. While one of the speakers was sorry that Government was not appreciating the work of honorary workers as they should, it is surprising that the honourable members of this House should have criticised the work of those who work for nothing. Any way the questions raised are these. First of all there is the educational qualification. The second question is the question of age of the honorary office-bearer. About the educational qualifications we have informed the House in the past that definite instructions were issued to the district magistrates that nobody who is not capable of writing his own judgment should be appointed. That is that he should not only be literate but be capable of writing his judgment. If, as the honourable member for Bareilly-cum-Moradabad said we have got there illiterate honorary magistrates, if there is any such magistrate in existence now (which is not within my knowledge) I will be only too pleased to know their names from him and find out definitely whether the information of the honourable member is founded on truth or otherwise.

I should like to make it clear to the House that we do not appoint anyone as honorary magistrate who cannot write his own judgments. The honourable member in his speech said that some of them do not know the A. B. C. of law. I found out from him privately whether he meant that only lawyers should be appointed, and he privately replied, "No": and quite rightly, because it would be impossible to get honorary office-bearers if we confine their recruitment only to lawyers. Still we have changed the rule to this extent, that in places where lawyers are willing to come forward and to make the sacrifice of giving up their practice in the criminal courts we appoint them as honorary magistrates.

The other point raised by the honourable member for Bareilly-cum-Moradabad was that of age. He specifically said that members of the services, after they have taken pension, should not be appointed because they are over 55 years of age.

Saiyid Yusuf Ali: I did not say that. I said that there should be a limit. After 55 years one could expect them to be able to work for five years more, but after 60 years in no case should they be allowed to retain their office.

The Hon'ble the Home Member: I am glad I misunderstood the honourable member; but I cannot agree with what he has said even now; and I will give my reasons why I do not agree with him there. One's capacity to work depends more on one's constitution than on one's age. There are many monourable members here who have taken pension and who are over 60 years and they are capable of deciding intricate questions

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involving the fate of the people of this province. Are they unable to become honorary magistrates? Is my honourable friend ready to say that those honourable members of this House who are over 60 years and who are capable of being representatives of the people in this House and who are capable of giving their opinion on much more important and intricate questions affecting the communities are not capable of becoming honorary magistrates? If that is his point I entirely disagree with him. The way in which I interpret the principle is this. When in service a man is a whole-time servant, and when he is out of service and is working as an honorary magistrate he is not by any means a whole-time servant. He can take his own time; he can take rest. It is not that mentally he is incapable; it is the other way about, that physically he cannot endure the same amount of work, and the same amount of touring as one can do up to the age of 55. Therefore, this point does not arise. Still, we have put in a limit. We do not appoint anyone above 60 as honorary magistrate; and in the case of those who are continuing as honorary magistrates at that age and over—and they are very few—they are only those cases about whom the District Magistrate and the Commissioner definitely recommended that although their age was 60 or over their physical condition was such that they thought they should be given further extension, and my policy has always been that whenever there is such a recommendation for extension of the term of an honorary magistrate who is above 60 or 65 I always give them extension for a year, and from year to year I always find out whether the man is fit for work or not. My submission, therefore, is that these honorary workers are very useful; and the greatest value of their work lies in the fact that they administer justice in those localities where they reside. Generally they are third class magistrates and intricate questions do not often come before them. I hope that before honourable members give their vote on this point they will consider the difficulties of the Government. The other point that was raised was about the ahlmad. The present rule is that if there is any honorary magistrate who has not decided 100 cases within a year, he is not given an ahlmad but when the number of cases is above 100 the honorary magistrate is supplied with an ahlmad.

Pandit Shri Sadayatan Pandey: I said that the ahlmads of those courts which decided more than 100 cases were stopped payment of their salaries since November last and these honorary magistrates were asked by the District Officer to pay their salaries from their own pockets.

The Hon'ble the Home Member: I do not know if any such thing happened during November or December, but I know that the general rule is, that if there is an honorary magistrate who decided 100 or over 100 cases during the year, he is given an ahlmad, otherwise he pays his salary from his pocket. I am not aware of the November order, but if any case is referred to me I am quite willing to look into it, but, as far as the general rule is concerned, it seems a reasonable one. If there is an honorary magistrate whose work is so light that there are not even 100 cases throughout one year, I think it will be waste of money to give him an ahlmad, and for this reason I think the present rule is perfectly all right. If there are any such

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cases as the honourable member has just referred to, he can bring them to my notice and I will be quite willing to look into them and find out the cause why such orders were issued by the district magistrate.

Hafiz Muhammad Ibrahim: I have heard attentively what has been said by the Hon'ble the Home Member and I have come to the conclusion that he is not aware of the principles on which district authorities make their recommendations for the appointment of honorary magistrates. The true principle for making such appointments should be that wherever it is found that there is some surplus work which cannot be disposed of conveniently by the stipendiary magistrates and more hands are required to do that work suitable persons may be nominated for honorary magistracies. Unfortunately, contrary to this principle, honorary magistracies are created in districts not because the amount of work there requires more hands but because our district officers, and particularly the district magistrate, has to fulfil the long-cherished desire of a man who has been serving him faithfully according to his notions. The true test for the eligibility of a man for appointment to this office is neither his ability nor the amount of work, but simply the necessity that the Government officers are in need of certain persons to carry on their propaganda work and whom they call loyal, though I will not agree with them that they are really loyal. They go and approach the authorities for their own ends. They do some business according to the dictates of authorities, and thus prove themselves deserving for the office of honorary magistrate. This, Sir, is the real state of affairs. I hope those honourable members of this House who are also honorary magistrates will excuse me for speaking the truth, however unpalatable it may be to them. Neither educational qualifications nor anything else, but the leanings of a man to the side of the officials and to do propaganda for them is the only test by which the district magistrates judge his fitness for the post of honorary magistrate, or, for the matter of that, any other honorary office. This being the case, I would call the attention of the Government, and in particular of the Hon'ble the Home Member, very seriously to this question and request him to find out why, in spite of the instructions issued to the district officers, there have been repeated complaints for the last several years in regard to the appointment of honorary magistrates. I do not agree with the Hon'ble the Home Member when he says that the issuing of instructions, vague instructions, to the district magistrates is enough. I submit that it is not so. There must be a definite rule that a man educated up to a certain standard and possessing such and such qualifications shall be eligible for appointment to the post of honorary magistrate.

The Hon'ble the Home Member: May I just interrupt the honourable member? I shall be obliged if he will be more definite about the qualifications of honorary magistrates.

Hafiz Muhammad Ibrahim: The Hon'ble the Home Member asks me to tell him what particular qualifications I have in my mind for the post of honorary magistrate. It is not very difficult to imagine what

[Hafiz Muhammad Ibrahim.]

those qualifications should be. I can tell him that there are many men available in districts who are really educated and who can be appointed to the post of honorary magistrate. But what is the defect with them? The only defect is that they are indifferent to the political movement of this country. They do not take any part either for the Government or against it. I had a talk with a district magistrate, whom I would not name, on this subject of appointment of honorary magistrates, and he told me plainly that only those who worked for the district authorities were entitled to claim these posts. It is a pity that our district officers should be guided by such a bad principle. Sir, if the Hon'ble the Home Member will form a committee for the purpose of setting qualifications for honorary magistrates and for the holders of honorary offices generally, we will be able to tell him more clearly and in a more elaborate way what particular qualifications should be set for these appointments. But it is enough to say at this time in a general way that there is no dearth of educated people in our districts, and they are available if the Government and the district officers are pleased to appoint them as such. Sir, I have said that honorary magistracies are created not because the amount of work in a particular locality requires it but because the wishes of a particular person who has served the district officer in some way or other have got to be satisfied. The Hon'ble the Home Member has said one thing and that thing is this, I do not think it desirable to mention any names here, but I will say that there are honorary magistrates who keep agents for the simple purpose of creating cases under section 323. They go to the people and ask them to have and lodge complaints in their courts. These cases are decided one way or the other; mostly compromised. This they do particularly under the fear that if the number of cases tried in their courts falls below 100, they will have no ahmad. This is really very undesirable. I can quote many cases in support of my statement, but as the Council is rising for lunch I will finish my remarks with saying that the need for the fixation of particular qualifications for the post of honorary magistrates is a great necessity, and it is really very deplorable that, in spite of repeated demands, it has not been accepted by the Government up to this time.

At this stage the Council was adjourned for lunch at 1.30 p.m.

After the recess the House reassembled at 2-15 p.m. with the Deputy President in the Chair.

Rai Bahadur Babu Vikramajit Singh: Sir, the Hon'ble the Home Member in his speech said that he differed from the honourable members of this House who criticized the work of the people who did it for nothing. I quite agree with him, and if I say anything on the subject it is not with the intention of criticizing the work of the honorary magistrates but it is with a view to criticizing the Government for appointing such honorary magistrates who are incompetent or who are unwilling to do the work. It is not the fault of the honorary magistrates themselves, but the blame attaches to the Government for appointing men if they are found not up to the mark. This question has been before the House for a number of years, and it has been several times

made clear by the honourable members of this House that the recruitment of the honorary magistrates is not satisfactory. The right type of people are not appointed. People of proper education and character are not appointed, and I am sorry to say that this complaint still continues. My honourable friend, the Home Member, with his persuasive eloquence has tried to obscure the issue by saying that he has issued circulars that people possessing certain qualifications ought to be appointed as honorary magistrates. We are not concerned with the issue of these circulars. What we are concerned with is whether, taking the concrete instances of people who are working in the various districts, they are the right type of men who have been appointed. One honourable member said that it is the loyal people who are appointed as honorary magistrates. Loyalty is not a disqualification to my mind. All that we require is that people with sufficient education to appreciate their work and with a sense of responsibility and character ought to be appointed, and I think, Sir, the recruiting ground is not very difficult to find. The first recruiting ground, as I would suggest, would be that they ought to be appointed from amongst the lawyers who do not practise on the criminal side and who practise only on the civil side. In every district if the Government were to make an inquiry it would find that there are a number of such competent and trained lawyers who would be willing to give their time for being appointed as honorary magistrates; but I do not think that inquiries have ever been made. Coming from Cawnpore and as the President of the Bar Association I may say that if I had been referred to I would have been in a position to suggest names of some very qualified men from the members of the Bar who would be willing to take up the work and who do not depend mainly on their income as lawyers and have something to fall back upon—namely, zamindari or banking . . . (One voice: briefless lawyers also.) They will be in a position to take up this work. One honourable member here suggests that briefless lawyers may be appointed. I am not in favour of appointing briefless lawyers as honorary magistrates. It is a serious proposition. The man who is appointed honorary magistrate should be one who commands the confidence of the litigant public. The other suitable men would be retired judicial and executive officers. There has been a good deal of debate on this question with regard to the age of such retired people. There is no doubt that these retired officers have got sufficient training and they are in a position to decide cases efficiently. The only question is with regard to their age. On that I would say that these retired gentlemen should not be in their dotage. I would not put any limit on age. If a man is fit to discharge his duty at the age of 60 or 65 let him do it by all means. Another thing which ought to be considered with regard to these people who are retired judicial or executive officers is that they must be men of proved honesty and probity, because if they are not men of high reputation there will be a temptation for them to make good the loss which they suffer on account of their retirement. Consequently there ought not to be placed a temptation in the way of such people who have not a reputation for honesty. Another class of people whom I

[Rai Bahadur Babu Vikramajit Singh.]

would recommend are landlords with education, and commercial men with education who can find time to do this honorary work. Also in certain places professors after retirement can be appointed who can give their time for a public service. To my mind there is no dearth of competent and efficient men in every district who can be appointed honorary magistrates. So far I have been submitting with regard to the quality of these honorary magistrates. I am sorry to say that we do not find that the quality of these honorary magistrates is satisfactory. There is no doubt that there are a few honourable exceptions where there are men of education, men of good character and men who command respect, but the number of such men is small and therefore it is necessary for the Government to take into consideration the complaint of the public which is ventilated in this House through the members of the Council and try to rectify this defect.

Another complaint which I have to make in this connexion is that it is not only that men with sufficient qualification are not appointed but that the number of these appointments is not adequate. I can say from my own experience of Cawnpore that the number of honorary magistrates is so small that the municipal administration suffers very largely on account of the inadequacy of the magistrates to deal with cases. Even now we have got no less than 400 or 500 cases in arrears and we have another 1,000 cases to file, but we cannot file these cases which we have in hand, for the simple reason that we have not got sufficient benches to try these cases. The authorities appoint one bench to try cases and that bench does not sit daily, it sits only thrice a week, because as honorary workers they would not like to sit day after day. They do not sit even for the whole day, but from 2 o'clock. Consequently, considering the number of these working days it comes to this that the honorary magistrates are not in a position to give more time than one hundred days in a year, not one bench but several benches combined. Considering that we have at least 7,000 cases to prosecute every year it is not possible for one bench sitting thrice a week to cope with the work. The municipal board of Cawnpore has been drawing attention of the district magistrate for several years to this state of things, and at one time it was thought that they will be able to give us the assistance of a stipendiary magistrate, and the former district magistrate told us that a stipendiary magistrate will be able to give half of his time for disposing of municipal work; but on account of the civil disobedience movement and on account of other political cases, it has not been found possible for the stipendiary magistrates to give sufficient time for the disposal of cases prosecuted by the municipal board. A few cases are, no doubt, heard by the stipendiary magistrates, but it would not have been difficult for the Government to appoint a number of other honorary magistrates who could form a second bench and in that case dispose of the work. I do not see any difficulty of finding suitable men in a place like Cawnpore, if the intention of the authorities is to appoint another bench, and I wish to draw the attention of the Hon'ble the Home Member to this fact that the arrangement for the disposal of cases, especially the municipal cases in Cawnpore, is not adequate and

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the Government should find an early opportunity of appointing a number of honorary magistrates of education and character, who would be able to decide the cases under the Municipalities Act and the byelaws, and all other cases prosecuted by the municipal board.

Raja Jagannath Bakhsh Singh: Mr. Deputy President, the honourable nominated member has raised a very important point when he has proposed to stress this point on the Government that they should frame rules and byelaws for the appointment of honorary magistrates. I think, Sir, that I should not allow this opportunity to pass without making a few observations.

In this discussion I consider, as the honourable members would consider, that a very important question is involved and it is this, as to whether, in the appointment of honorary magistrates, the Government should keep the same criterion of efficiency in view as it does in the appointment of the stipendiary magistrates. So far as I have followed the honourable mover, I thought that he was drawing on the same track, that is he was suggesting to the Government that they should follow the same principles, the same criteria in the appointment of honorary magistrates as they do in the appointment or selection of the stipendiary magistrates.

Khan Bahadur Maulvi Fasih-ud-din: A point of personal explanation. I have never meant that.

Rai Bahadur Babu Vikramajit Singh: No one has said that so far.

Raja Jagannath Bakhsh Singh: I put a question to the honourable mover at the end as to what was the point at issue in his mind, and I do not think he objected to it. However, I am very glad that he did not intend to stress the point of efficiency.

Khan Bahadur Maulvi Fasih-ud-din: No, I do stress, but I never meant that he should possess the same sort of qualifications as the stipendiary magistrate.

Raja Jagannath Bakhsh Singh: Now, Sir, my object is this. I divide the qualification broadly in two, one as mentioned by the honourable member representing the United Provinces Chamber of Commerce, that is the person should command confidence; the other, which has been repeatedly spoken of by honourable members, namely, that he should be efficient. I take these two points. Now, I think it was up to the honourable mover to make it clear, when he was suggesting to Government to frame rules, as to which point he puts first. If he wanted Government to keep in view the efficiency of the man and that his influence and the confidence that he commanded in the locality was to be a secondary consideration, then the matter would be looked from another point of view. I would certainly not support the honourable mover if he were recommending to the Government to put efficiency first and confidence,—his influence—, second.

Khan Bahadur Maulvi Fasih-ud-din: Both together.

Raja Jagannath Bakhsh Singh: I do not think it is practicable. I do not propose to criticize the honourable member particularly, I am speaking on the subject generally. How is it possible for the Government to keep all the facts in view that the man should be equally efficient, that he should be equally respectable, that he should possess equal influence in the locality and that he should be commanding an equal amount of confidence. I think we shall have to indicate to the Government some broad lines on which they should proceed in the matter. If I were permitted to do so, I should certainly say that while contemplating to draft rules for the appointment of honorary magistrates, the Government should first consider the case of the person who enjoys a good influence, to repeat the words of the honourable member for the Chamber of Commerce, the person who commanded requisite confidence in that locality, and also, of course, that he was not incompetent to discharge the duties. Efficiency should, of course, be taken into consideration, in so far that the man should not be incompetent to discharge the duties. If the honourable member would put efficiency first, I think the object of the appointment of honorary magistrates will be defeated. The chief object of appointing honorary magistrates, so far as I understand, is that judgment should be cheaper and more prompt than it is in the case of stipendiary magistrates. If I may say so, Sir, the strongest criticism which the Stuart Committee levelled on the present system was that judgment was very costly and that it was not prompt. Nobody who is concerned with these matters can deny that decisions are very much delayed. Imagine a man who is put in the lock-up, who is innocent and is to be released after the case is decided. The case takes from four to six months—sometimes more than that—and the innocent man is kept in the lock-up. You can very well imagine the difficulties of a respectable person who is kept up in a lock-up charged for some serious offence. He is enclosed in a lock-up for four months before the case is decided. The system of appointing honorary magistrates has been established in order to procure justice at a lesser cost and more expeditiously, and if we really want to obtain the results that were intended in the establishment of this system, I think we must have in our view the appointment of right type of men.

By putting down the efficiency qualification if you intend to make cases in the courts of honorary magistrates as expensive as they are in the courts of stipendiary magistrates or if you intend that parties to the case should bring lawyers from towns, the result will be that there will be much more delay in the disposal of cases and justice will be obtained at a much greater cost. It cannot be denied that there are men in every locality who are respectable. Even now there are many cases which do not go to the courts of stipendiary magistrates, because the parties have confidence in some of their local men, who decide matters arbitrarily though they may not be so well educated or so accomplished as the stipendiary magistrates. In fact, I think they do not understand the legal arguments to any very great extent, but still they enjoy a very great amount of confidence of the people of the locality to which they belong. If these men are appointed by the Government, I do not think anybody can object to their appointment on the score of inefficiency. I therefore lay stress on the point that

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In framing rules regarding the appointment of honorary magistrates the Government will not lose sight of the fact that justice should always be obtainable at cheaper rates and more promptly than what is the case at present. I have heard, of course not with any pleasure, some instances being quoted of honorary magistrates. In this connexion I only wish to say that if there are black sheep in this fold or, for the matter of that, in any service, no honourable member of this House will support them. Nobody wants that in any service, whether honorary or stipendiary, howsoever small or big it may be, there should be any black sheep, which may not only blacken the name of that service but may discharge their duties in a manner most undesirable and to great disadvantage and harm to the public at large. But, Sir, at the same time we should not overlook that such instances are not limited only to honorary magistrates. In fact instances can also be quoted of stipendiary magistrates who have not discharged their duties quite impartially and honestly, and then, after all, an honorary magistrate is a much smaller figure in comparison with a stipendiary magistrate. If there is a black sheep among honorary magistrates, he will not be able to do so much harm as a stipendiary magistrate, if he is a black sheep. I do not stand here to quote any such instances, because they cannot be to the taste of the honourable member here, but what I mean to say is that we should not wholly be led away by such instances and unnecessarily lay down very stiff rules for the appointment of honorary magistrates. I would therefore impress, with all the emphasis at my command, upon the Government the desirability of appointing such men as are quite respectable and command influence in the locality in which they live. Well, Sir, a stipendiary magistrate is never posted to a place to which he belongs, while an honorary magistrate is invariably appointed to try cases in a place where he lives. This is a great change of principle. How then can you combine efficiency and competency in the same measure as you combine them in the case of stipendiary magistrates? I therefore submit that the Government should not lose sight of difference between the two while they are framing any rules :

Mr. Zahur Ahmad : The question up to this time has been dealt with from only one point of view—what is to be the qualification for the appointment of an honorary magistrate? We should consider the question from a different angle of vision too, namely, what should be the disqualifications for the appointment of an honorary or special magistrate and also what disqualifications be attached to the office of an honorary magistrate. To my mind it is more important that a person who seeks election to any local body or to any legislature should be disqualified from being appointed an honorary magistrate. My experience, Sir, of the last twelve or thirteen years compels me to raise this point. As the Government has disqualified government servants from seeking election to any local body or to a legislature owing to the fact that he will influence the voters, in the same way Government should consider the question whether an honorary magistrate who has

Mr. Zahur Ahmad.]

jurisdiction over certain area to try cases if he seeks election from the same area will be exercising undue influence on the voters or not. My experience is this that most of the honorary magistrates trying the cases of that very area from which they seek election do influence the voters. The real object of the Government in disqualifying government officials from seeking election is to prevent them from exercising undue influence over the voters on account of their position as officers of the Government. The same restriction should be laid down in the case of an honorary magistrate or special magistrate who at present has got the right to be elected even from the area in which he has got jurisdiction to try cases. I therefore most emphatically say—that the time has arrived that the government servants and honorary magistrates should be placed on the same level so far as the popular elections are concerned and I hope the Hon'ble the Home Member will not dispute this—that no elected member of a municipal or a district board should be an honorary magistrate or no honorary magistrate should be eligible to seek election to any municipal or district board. That is No. 1, Sir. Number 2 is that the same general principle, namely, that no honorary magistrate or special magistrate in a rural area should be eligible to seek election to the Legislative Council.

Pandit Shri Sadayatan Pande: Why only rural area? Why not urban area also?

Mr. Zahur Ahmad: My friend asks, why only from the rural areas, why not from the urban areas also? Coming as he does from the rural areas, he must know that mostly special magistrates are appointed in rural areas and honorary magistrates are appointed in the cities, i.e., urban. Very seldom a bench of honorary magistrate is formed in the rural areas. What I mean is that an honorary magistrate or a special magistrate in a rural area should be disqualified from seeking election to the Legislative Council.

The second test is really this, that a person who cannot read and write should be disqualified from being appointed as an honorary magistrate. I say this from my personal experience; I know of men—I do not want to name them—who are honorary magistrates but who cannot read and write. They cannot even record evidence with their own hands; they cannot even read the Indian Penal Code, Criminal Procedure Code or the Evidence Act in Urdu or Hindi. At least such persons should be appointed who can read and write. The real qualification should be that the person appointed should have this much capacity as to appreciate the evidence and should record the evidence and also be able at least to read the bare Act if not annotations. He should at least have so much commonsense as to appreciate evidence, if not he should be disqualified from being appointed as honorary magistrate. The third disqualification should be that the person who does not enjoy the confidence of the district authorities or who does not enjoy the confidence of the public should not be appointed. Why, because I know from the experience of many districts that the person who has got the confidence of the district authorities is bound to have confidence of some section of people, that is to say, the person who does not enjoy the

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confidence of the public or of the district authorities should be disqualified from being appointed an honorary magistrate. To sum up the disqualifications I should say that—

- (1) the person who seeks election to a district or municipal board or to the Legislative Council should be disqualified for the appointment of special or honorary magistrate.
- (2) the person who cannot read and write should be disqualified.
- (3) the person who does not enjoy the confidence of the public or of the district authorities should be disqualified.

I hope, Sir, that the Hon'ble the Home Member will at least see that honorary magistrates are disqualified from seeking election in a district or municipal board or the Legislative Council.

(चौधरो भरोस)

Chaudhri Bharos: जनाब प्रेसिडेन्ट साहेब,

इस कौन्सिल में मेरा निवेदन है कि यहां पुराने समय में इतने राजा हुए, बादशाह हुए मगर अब परमात्मा ने हमारी गवर्नमेन्ट को राज्य दिया है। इससे मेरा निवेदन है कि जब हमारी जाति को पब्लिक ने उपरोहित के समान मान कर यहां बिठाया है तो हमारी जाति को क्यों नहीं आनरेरी मजिस्ट्रेट बनाया जाता। अकल बड़ो है कि मेंस बड़ो है।

हमारी जात के चारों युग से उपरोहित मानने आये हैं।

Shaikh Muhammad Habib-ullah: Sir, I understand the issue before the House is regarding the framing of rules for the appointment of honorary magistrates. The expression "honorary magistrate" in itself is significant. It is an agency for the administration of justice without being paid. It means that an honorary magistrate is a person who in some respects should be a higher being than a man who can be engaged on a paid salary for the administration of justice. I think if this formula is correct, there is only one and one solution of it. There should be only one rule for the appointment of honorary magistrates and that rule is that he should be a person of unimpeachable integrity and educated sufficiently to administer laws for which he has been appointed. There had been such a talk in this House about this simple proposition that I really felt perplexed as to what line of argument to adopt. Generally speaking, there are black sheep even among the paid agency of the magistracy. A gentleman said there are black sheep even among the paid agency of the magistracy and it is quite possible there may be black sheep among the honorary agency also. I protest and protest strongly against this. A man who has the honour of administering justice to the public should be over and above the people who are paid and whose services are engaged for the administration of justice. There is really

Shaikh Muhammad Habib-ullah.]

a feeling, not only a feeling but in practice it has come into existence, that the paid magistrates believe that the honorary magistrate is an inferior person. I think they should be made to understand clearly that these people who have volunteered themselves to do service to the country in an honorary capacity are much higher persons and should be more respected than the persons who are engaged on payment to administer justice. Honorary magistracy is not confined to India. There are magistrates in England and they are not paid and do the work in an honorary capacity. But if you go and find what class of people they are you find that they are really sufficiently wealthy people with the idea of performing their duty to their best conscience and, in fact, support the administration by means of the little bit of work which they can put in. In fact, as remarked by some gentlemen, these honorary magistrates are appointed to supplement the cadre or number of men who are engaged by Government to perform the functions of the magistrate. It may be so and I think it is so. But I must say that the fact that they have been appointed on the nomination of the paid agency should not put them in an inferior position. I think the time is coming really when people will realize what it is to offer oneself to do honorary work. I think the honorary work of a man really stands more to his credit than the work of a man who is paid for that purpose. In these circumstances, Sir, I would suggest that the Government will only adopt one and one line in making the rules—I do not think any rules are necessary. The only thing necessary is that the person appointed should be of unimpeachable integrity, he should be able to administer the law and he should be respected by the people of the locality and have the full confidence of the people in him.

Chaudhri Muhammad Ali:

چوہدری محمد علی

حضور والا —

میں نے مختلف آنریبل اسپیکرس (speakers) کی تقریریں سنیں لیکن جتنا متاثر میں وکیل حضرات کی تقریروں سے ہوا دوسروں کی تقریر سے نہیں ہوا۔ سب سے پہلے ایک آنریبل وکیل صاحب کی تقریر میں میں نے وہ رام کہانی سنی کہ جس میں چھکڑے کی سواری اور انگریزی ٹوپ دو دو مصیبتیں اُن کے اُردہ تھیں۔ اس کے بعد دوسرے وکیل حضرات کی تقریریں سنیں جسے یہ طے ہو سکا کہ آیا وکیل بُرے ہیں یا مجسٹریٹ بُرے ہیں یہ کہ کون بُرا ہی اس کو دوسرے طے کرینگے۔ نہ وکیل حضرات طے کر سکتے ہیں نہ میں کر سکتا ہوں۔ اس کے بعد (cat was out of the bag) کی مثال اُس وقت صادق آئی جب ایک تیسرے وکیل صاحب کھڑے ہوئے اور فرمایا کہ وکیلوں کو مجسٹریٹ بنا دو۔ تب میری سمجھ میں آگیا کہ یہ جو اعتراضات تھے یہ بہت جانتے تھے۔ مگر میں عرض کرتا ہوں کہ اگر وکیل حضرات کو مجسٹریٹ بنا دیا گیا تو پھر مجسٹریٹوں کے سامنے وکالت کون کرے گا؟

دوسرے حضرات نے بھی اس معاملے کے اُردہ روشنی ڈالی ہے اور سب کا خلاصہ یہ نکلتا ہے کہ مجسٹریٹ صرف وہ لوگ کیئے جاتے ہیں کہ جن کو

خوشامد کا گرو وکیلوں سے زیادہ معلوم ہوتا ہے۔ ممکن ہے کہ یہہ تشخیص ہو سکتی ہو اس سے انکار نہیں ہے۔ میں خود بدقسمتی سے مجسٹریٹ ہوں اس لیے میں اس کو خود نہیں سمجھ سکتا ہوں۔ لیکن میں دیکھ رہا ہوں کہ جس پارٹی کو اس کونسل میں (opposition) اپوزیشن کا شرف حاصل ہے اس میں بہت سے مجسٹریٹ ہیں۔ اگر (opposition) اپوزیشن میں ہونا خوشامد ہی دلیل ہے تو واقعی میں خوشامدی ہوں اور جتنے مجسٹریٹ ہیں وہ خوشامدی ہیں اور جو وکیل حضرات ہمارے سامنے پریزنٹس کرتے ہیں وہ ہرگز خوشامد کے قریب نہیں آتے ہیں۔ اگر individual مجسٹریٹوں کی غلطیوں سے پوری قوم کے آرڈر 'پورے جتے کے آرڈر' والے قائم کرنا ہی تو حضرات وکیلوں کے بھی درچار واقع ایسے بیان کر دیئے جاسکتے ہیں جو اس سے زیادہ مضحکہ انگیز ہیں 'جو اس سے زیادہ ہنسنے کے قابل ہیں۔ البتہ ایک آدھ بات ایسی کہی گئی ہے کہ جو موجود اس کے کہ میں خود اسی فرقے میں ہوں اور میرے دوسرے معزز (colleagues) ٹریکس بھی اسی فرقے میں ہیں لیکن یہ بھی میں اس کی صداقت کو مانتا ہوں وہ بہت ہے کہ الیکشن میں مجسٹریٹ لوگ ضرور فائدہ اٹھاتے ہیں اور میں اس کو تسلیم کرتا ہوں اور میرے خیال میں اس (زولیوشن کے آرڈر کاؤنسل) جو خاصی دلچسپی لی ہے اس کی وجہ یہی ہے لیکن بہتر سے بہتر چیز میں بھی تھوڑی دیر کے بعد دلچسپی تفر اور پریشانی سے بدل جاتی ہے اگر انریبل ہوم میمبر صاحب کو اس قصہ کو ختم کرنا ہے تو آپ 'ٹھم کر' دیں کہ بھائی آئندہ سے دو چار وکیل بھی آئے یہی مجسٹریٹ بنا دیئے جایا کریں گے۔

آپ یہی مجسٹریٹ کی طرفداری میں دو حضرات میرے پہلے بہت کچھ کہہ چکے ہیں۔ میں ان سے بہت شکر نہیں کہہ سکتا لیکن اتنا ضرور عرض کروں گا کہ یہہ زمانہ اقتصادی حالت ہے۔ یعنی economy کی حالت ہے بہت سی پریشانی کا ہے۔ یہہ وہ لوگ ہیں جو تنخواہ نہیں لیتے ہیں۔ اگر کسی طرح کی ان کی بد نیستی یا رشوت خواری یا سفر رش سندے کا ثبوت نہیں ہے تو میرے خیال میں ایسے آپ بھی لوگوں کی 'ہمت بڑھانی چاہیئے۔ اور ان کی تعداد بڑھانے کی کوشش کرنی چاہیئے لیکن حضرات میں پیشین گوئی کرنا ہوں 'حالانکہ پیشین گوئی کرنا بہت بڑی بات ہے چونکہ اکثر غلط امت ہوتی ہے' لیکن میں پیشین گوئی کرتا ہوں کہ اگر چند وکیل حضرات مجسٹریٹ نہیں بنائے گئے تو آئندہ سال بھی یہی پریشانی ہوم میمبر صاحب کو ہوگی *

Mrs. Kailash Srivastava: Sir, may I be permitted to remind the Hon'ble the Home Member that women have also got their claims to be made honorary magistrates. I am thankful to him for having recently appointed two women honorary magistrates; but, Sir, I am sure this number is not sufficient for the whole population of this province, and I hope he will increase the number. I am sure he agrees with me when I say that women are equally as good for this work as men.

Khan Bahadur Hafiz Hidayat Husain: Though a practitioner at the Bar of nearly 27 years' standing I have not appeared except on two occasions before honorary magistrates and therefore the House will not expect me to recount my own personal experiences in the matter as has been done by other honourable members. Therefore, what I say on this question is not the view that I have formed from personal observation and from personal experience. I will only place before the House in detached spirit one or two observations which may influence the House in forming an accurate judgment on this question.

The question of the appointment of honorary magistrates has attracted the attention of this House on more than one occasion and my honourable friend to my left (Khan Bahadur Maulvi Fasih-ud-din) raised this very question in the form of a resolution on the very first day this Council met in this new hall and that resolution was carried by an overwhelming majority. In pursuance of that resolution I think, or perhaps immediately before that, the Hon'ble the Home Member was pleased to issue certain rules regulating the appointment of honorary magistrates and is getting a return periodically, I understand now, to see whether the honorary magistrates who are actually exercising powers are fit for the exercise of those powers or not. Sir, I have had occasion to study the rules and I find that no exception could be taken to the rules framed by Government. It is true, as has been remarked by some of my honourable colleagues here practising at the Bar that the standing and eligibility of some of the honorary magistrates is not above board. But my submission is that approachability to the good graces and good offices of honorary magistrates and for the matter of that, of any judicial officer is dependent on the conditions of society; and with improvement in those conditions, the chances of the approachability and tractability of these officers get minimized. Sir, this question of honorary magistrates is not peculiar to India. We find honorary magistrates called court of petty sessions exercising their powers in a large number in England as well. Previously, that is, I think, up to the latter half of the last century, these officers in England were recruited from the Bar; after that gradually the appointments were opened to other than the members of the profession; and people who have a status or a stake in the country, e.g., squires, are now generally chosen by the Home Office for these offices. Now, Sir, complaints against honorary magistrates are not only peculiar to India. They are also heard in England, nor are they confined to honorary magistrates alone. We find day after day the High Court passing, sometimes very stringent strictures, on stipendiary magistrates and also even sessions judges. Well, Sir, I have also heard complaints against individual honorary magistrates. I have no doubt that these complaints, if they really exist and I dare not say after what I heard today that they do not exist, should have found vent in the press in order that they might have drawn public attention. Further, if these complaints are real and are repeated outside this Council fullest opportunity will be available in order that these complaints may either be substantiated or their falsehood exposed. But, Sir, my whole point is this that the institution of honorary magistrates is not such a curse on the society as has been depicted. What is really required is greater caution in their appointment. The present procedure

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is that a district magistrate sends up the names of eligible men, and the name or names which he sends are scrutinized by the Government and the Government appoints only those persons against whom there is no complaint. I have no doubt, Sir, that in the appointment of honorary magistrates literacy ought to be one of the chief qualifications, but I have yet to hear the name of any individual magistrate who exercises that power without having commonsense enough to understand the A, B, C of law or without being possessed rudiments of reading or writing and after all an honorary magistrate has not got to try very complicated cases. He has only to try mostly simple cases under sections 325 and 342, etc., small cases which do not require very great legal knowledge or a very great knowledge of literature. The other point made by Mr. Zahur Ahmad is that the would-be honorary magistrate should have the confidence of the public as also of the district magistrate. Well, Sir, no district magistrate, would recommend a man for an honorary magistracy unless and until he enjoys his confidence at any rate, but whether he enjoys the confidence of the public is a different matter and opinion on this point may well differ from district to district. Now the point that I want to make is this. If the person recommended is above board and otherwise useful, if he is above suspicion, then whether he has a large following or not and whether he has graduated or has read up to a certain standard only is immaterial. To my mind the man who is above board, who is above suspicion and who can judge the affairs between man and man and who can write his own judgments and is able to make up his mind should be the person who should be appointed. Then, Sir, a very good point has been made by my friend Raja Jagannath Bakhsh Singh in favour of the honorary magistrates when he said that the judgments of these honorary magistrates are cheaper and also more expeditious. After all why are the honorary magistrates appointed? The whole basic idea underlying the appointment of honorary magistrates is that the public should have sense of due share in the administration of the country, whether the administration be of justice or of any other branch of the public services. Further, honorary magistrates are more readily available than the stipendiary magistrates, and I have no doubt that without them justice may at times suffer. I am entirely in agreement with my honourable friend Raja Jagannath Bakhsh Singh when he says that the institution of honorary magistrates is to be commended on two grounds: firstly, that the public should feel possessing a share in the administration of the country; and, secondly, that more ready and expeditious justice be available.

A point raised by the honourable member of the British India Association found support in Mr. Zahur Ahmad, is that an honorary magistrate, in exercise of his powers should by rule be debarred from seeking election to a local body or to any legislatures. I am afraid that this would be going rather too far. After all, the number of public-spirited persons whatever may be urged to the contrary, is very limited indeed in this country, and therefore if by any regulation we could prevent the seeking of election to local bodies or to the local Council by persons who are

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honorary magistrates, we would, I think, be discounting work of public utility. In these circumstances I submit that I see no reason whatever why persons who can occupy different offices should not be allowed to do so, provided they be above board and above suspicion and capable both mentally and physically to perform their multifarious duties.

Rai Rajeshwar Bali: I beg to move for a closure of the debate. All that could be said on the subject has been said already, and, moreover, it has been urged in this House for the last many years.

The Deputy President: The question is that the question be now put.

The question was put and agreed to.

Khan Bahadur Maulvi Fasih-ud-din: I do not disagree with those who say that the institution of honorary magistrates should be encouraged. What I say is that it should be encouraged and at the same time reformed. We are informed that the Government have made certain rules relating to the appointment of honorary magistrates and other matters connected with them, but I assure this House that those rules are observed more in their breach than in their observance. The Hon'ble the Home Member has said that if any of us were to give him specific instances of the breach of these rules, he would try to find out the truth of the allegation by referring the matter to the district magistrates concerned. I assure him that we are all truthful men; we are all honourable men like Brutus, although we may have killed several Caesars, and it would be putting us to great deal of trouble if our information were to be made the subject of an inquiry by the district magistrates against whom we make the allegation. The chief question in this connexion is what should be the qualifications of an honorary magistrate. The Hon'ble the Home Member very rightly put a question to my honourable friend Hafiz Muhammad Ibrahim to state precisely the qualifications which ought to be put down for the post of honorary magistrate. He has made an attempt to specify those qualifications, but evidently they did not satisfy the Hon'ble the Home Member. My friend the representative of the British India Association, the Raja Sahib, has criticized those qualifications and said that the chief qualification should be that the man who is to be appointed as honorary magistrate should command a good following. (*An honourable member:* The confidence of the public.) Yes, the confidence of the people and also a good following. This is what he said. I do not wish to dilate on this question at any length, but I wish only to tell him that he should picture in his mind and imagine the condition of a man who had been handcuffed and who is hauled up before this Don Quixot who has so many Sycophanzas to follow him and who has taken a vow to bring a suit for the restitution of conjugal rights with law. What will be his condition? He will have one step outside the jail and another inside the jail, and he stands for his trial before a man who is incapable of knowing law or understanding it, and who does his work in a cavalier fashion. It is not a question of showing favour to this man or to that man. But it is a question of the convenience and comfort of the public. We should look at this question

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from this point of view. The definition of the qualification which has been given by my friend, Mr. Habib-ullah, is, I think, a very suitable definition. The rules should only say that the man must be sufficiently educated to administer law. That is a very comprehensive definition. A man may be so poorly educated, but not sufficiently educated to understand and assimilate the provisions of the Indian Penal Code, the Criminal Procedure Code as well as the Evidence Act, which are very essential for every man who has to administer criminal justice. If he is not in a position to administer these three laws at least, he is not fit to hold the post of honorary magistrate.

Sir, there is one point in this connection which I should like to bring out before this honourable House. It is this that there are honorary magistrates of the various classes. Honorary magistrates of third class do try petty cases as my friend on my left has stated, and for them strict rules as regards qualifications are certainly not needed. But there are those honorary and special magistrates who exercise second and first class powers. I would certainly insist on a very high qualification for them. That is the point which should be borne in mind by those who frame the rules. The Hon'ble the Home Member has said that he has sent instructions to the district magistrates to send up the names of only those persons who can write their judgments and that the district magistrates should satisfy themselves about this particular matter. We ought to be thankful to him for having done so, but I think that he should have gone further and said that the Government would appoint only those persons who, after putting in a particular probationary period, are in a position to understand and grasp the law which they have to administer. If he had said that in his instructions he would have been very near the mark. I think that it is high time now, considering the feelings which exist inside and outside the Council about the question of the appointment of honorary magistrates, for the Government to appoint a strong *ad hoc* committee to go into the whole question and to frame rules on the points which have been raised in the debate. Then the Government will be in a position to come to a definite conclusion. The Government may or may not agree with the recommendations which this committee may make, but the Government will be in a position to realize the sentiments and the feelings of the public.

At this stage the Hon'ble the President took the Chair at 3.25 p.m.

The Hon'ble the Home Member: Sir, I have heard the speeches made by the honourable members with great interest. I am particularly thankful to Shaikh Habib-ullah, Mr. Muhamad Ali and Hafiz Hidayat Husain for having tried to clear the position. I should beg the honourable members again to consider the whole question in a practical manner. The position is this that for various posts we need men of different calibre and qualifications. For instance, take the case of a judge of the High Court. His knowledge of the law and of administering it and his experience are superior to that of the judges who are serving under him. Then the sessions judge, magistrates, and so on. The first principle that should be remembered about these honorary magistrates is this that they

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are supposed, as was mentioned by Hafiz Hidayat Husain, to administer law, to do justice, in a homely fashion in small cases which are not really complicated or intricate in any way. This is the real reason why they are appointed at all. Now there is one other thing . . .

Mr. Zahur Ahmad: What about special magistrates having special powers?

The Hon'ble the Home Member: If the honourable member will wait, I assure him that no doubt will be left in his mind, provided his mind is open to conviction.

Now coming to the honorary magistrates again. This is the first thing that should be borne in mind that they are to administer law in a homely fashion. They are not supposed to deal with intricate cases as was said by the mover and Hafiz Hidayat Husain. I entirely agree with them.

Now out of those who have worked as third class magistrates for a while we promote some to second class and some are further promoted to first class, and very very few of them even get summary powers. During all these stages a thorough scrutiny is made according to the rules by the district magistrate to find out whether the man is or is not fit for such promotion. Some honourable member and the honourable mover said that these rules are not being carried out by district officers. I am really grieved to hear this. It may be true, but how can I possibly know that the rules framed by us are not carried out unless the honourable members give me instances. That is the reason why I had to ask the honourable members here who have made complaints to kindly give me some definite instances, so that I may be able to know that the rules framed by the Government were not carried out by the authorities. I quite see the difficulty of the honourable members. They are afraid that they may create bad feelings in their constituencies and that perhaps people would dislike them. Well, I am quite willing to accommodate them; they might give me a list of names confidentially. They need not name them here in the House. It is practically impossible for me to discharge my duties unless I get definite information.

There is one other thing which should be borne in mind. About a year ago, or even more, orders were issued and I know that they have been carried out by the district magistrates, that they have withdrawn the power of the honorary magistrates to take petitions except in the case of such whom they can rely. This is a great check, because now generally, I think in 90 per cent. of cases, it is not the honorary magistrate who takes the petition himself, as was mentioned by one honourable member that they go and ask for petitions, but the district magistrate. The honorary magistrates have got no power to take petitions as far as the majority is concerned, it is the district magistrate or the sub-divisional officer who receive these cases and we expect them to use their discretion that if the cases are complicated or important they are not sent to honorary magistrates.

The honourable mover said that some of the honorary magistrates are illiterate, they cannot read or write their names. Again, I say that

if it is true, it is against our desire, it is against our instructions, and I shall very much like the honourable member to let me know the names of such honorary magistrates, otherwise how is it possible for me to rectify such a mistake. If it is true then I am perfectly willing to take action, because Government is dead against having any illiterate honorary magistrate. We want the same type of magistrates as was mentioned by Rai Bahadur Babu Vikramajit Singh and the honourable mover. We want that the honorary magistrates should be able to write their judgment themselves. I am perfectly willing to take action if honourable members will bring such cases to my notice. I think the honourable member for Allahabad-sum-Benares put it in a very interesting manner when he said that instead of making qualifications we should say what should be the disqualifications of the honorary magistrates. I entirely agree with him, as I said just now, that education must be the first qualification and agree that if there is anybody who is illiterate, I am willing to take action.

Then comes the question of confidence of the people, and there again I agree with him, and this is what we suppose, that those who are not being supported and trusted by their own people, they cannot possibly win the confidence of the authorities also. So on these two points I am at one with him. About the third point I wish to present the honourable members with a certain practical difficulty. I admit it is quite likely that Honorary Magistrates, being members of the constituency, being interested in the election as everybody ought to be, may be influencing the elections one way or the other. I cannot deny the fact, although I may say that it is wrong for them to use their power as magistrates to influence the elections. If they are only interested in their individual capacity, I think it is but natural but if they use their power like this I do not think it is desirable.

Mr. Zahur Ahmad: Why are Government servants disqualified?

The Hon'ble the Home Member: Well, if the honourable member will simply wait, I will leave no chance for him to raise any further argument. I know that it is quite possible, but my difficulty is this, that suppose we make a rule that anybody who wants to stand for either a municipality or for a district board, or for Council, or for the Legislative Assembly, or the Council of State, should be disqualified it will be difficult to find the right type of man. We know that the percentage of educated people in our country is very small. We know that it is so difficult to get the right type of men and if we make this rule, then I ask the honourable members here just to consider what will be the result. The result will be that all the best type of men would rather like to go to these elected bodies, and the riff-raff will be left for us to be selected for the honorary offices. My honourable friend said that we should select those people who have got a following. Those who have got a following would rather like to be elected in the Council, or the municipal board or district board. Personally I think I would very much like to remedy this, but I feel that if once for all we decide that any man who is interested or who is going to stand for any Legislative

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Council or any other elective body, should not be nominated or appointed as an honorary office-bearer, then the field for the selection of honorary office-bearers will be so limited that by no means will we be able to get the right type of people, and that would destroy the very purpose which the honourable members want to help, that is the right type of men will not be available for honorary offices. This is the difficulty with which I am confronted. Otherwise, I am willing to admit that there may be such cases where these honorary magistrates may be using their influence and it is very regrettable, but still the remedy is such that I do not think the majority of the members of this House will support this proposal that those who are Honorary Magistrates should not be allowed to take part in any elections. As to the question raised by the honourable member for the Chamber of Commerce, I am going to bring it to the notice of the District Officer of Cawnpore, and if there is need of increasing the number, as obviously it seems to be from the speech of the honourable member, Government will be only too willing to increase the number.

As to the question of appointing lawyers on the benches, in fact we have got lawyers as Honorary Magistrates, and wherever such lawyers are available we are willing to appoint them.

The other suggestion was that retired officers should be appointed as Honorary Magistrates. We are trying our very best and we in fact sometimes entreat them, beg them, to accept it. Some of them, we find, are unwilling to work.

It is just possible that the magistrates with third class powers may not be of the same calibre as magistrates with second class powers, and magistrates with second class powers may not be of the same calibre as first class magistrates. I may at once say that we will not promote them unless they prove that they are capable of being promoted.

I entirely agree with what Mrs. Srivastava has said that it will be desirable to appoint more ladies as Honorary Magistrates. I also agree with her that in many ways lady Honorary Magistrates may be more competent than men, because I am certain that ladies have got more sympathetic imagination than we the members of the coarser sex. I am perfectly willing to appoint lady honorary magistrates, but I hope she will agree with me that the real difficulty in the matter is that we are so backward educationally, as far as ladies are concerned, that it is not easy to get the right type of ladies to do the work. Among those who can do the work, many are so busy with their household work that they may not be willing to accept it. But I assure her that if I get any chance of getting any lady who is willing and who is competent to discharge the duties I will be only too pleased to appoint her as Honorary Magistrate.

(The motion was, by leave, withdrawn.)

Khan Bahadur Maulvi Fasih-ud-din: I beg to move that under sub-head District Administration 1, A (a) 7.—Contingencies, the item of Rs. 5,000 concerning sub-head Panchayat officer's contingencies be omitted.

GRANT NO. 1. HEAD 22—GENERAL ADMINISTRATION—(concd.).

Sir, this is quite a new demand and as such it should be looked into with the greatest caution and care. There is absolutely no urgent necessity for establishing the panchayat officer just at present and providing a sum of Rs. 5,000 for that.

Thakur Jang Bahadur Singh Bisht: I beg to oppose the honourable member who has moved this cut. If this amount of Rs. 5,000 is omitted the result will be that the panchayat officer will be forced to remain at the headquarters, and will not be able to do his work which consists of visiting village after village and working out the panchayat system. He will be sitting at his headquarters doing nothing. The next thing that I would bring before the House is this, that this panchayat officer is at present working in Kumaun, and when the Forest Committee of Kumaun met last summer, they very strongly recommended to Government that his services should be retained for one year more. I may here explain what this Kumaun Forest Committee is. This is a committee composed of non-official members, chairmen of district boards, some members nominated from local bodies and members of Council for Almora, Garhwal and Naini Tal. This committee is responsible for many of the rules which have been framed and which have got the force of law in Kumaun. So any decision which has been arrived at by this important committee should not be lightly thrown out by this Council. It is responsible for rules regarding the grant of land to applicants as well as water rules, along with many other rules, and for Kumaun, many important matters are decided by this Forest Committee. My submission is that when such a committee has been of opinion that the panchayat officer should be retained for one year more, he had better be retained.

Khan Bahadur Maulvi Fasih-ud-din: May I know from the honourable speaker since how long this panchayat officer has been working?

Thakur Jang Bahadur Singh Bisht: I am not sure, but I think he has been there for two years.

It is unfortunate that this committee did not meet again in winter, but it is probably going to meet, next summer and I am certain that when it meets, the members of the committee will examine the work which the panchayat officer has been doing, and his expenditure. If they find anything wrong they will bring the matter to the notice of Government and it will then be proper either to omit or cut this amount.

The Hon'ble the Finance Member: My honourable friend, Khan Bahadur Maulvi Fasih-ud-din has been misled by the fact that it looks a new item. As a matter of fact it is not a new item. In former years it was included in the "Other Contingencies". There is nothing new about this officer or this expenditure. He is doing extremely good work in connection with the communal forests. I am very glad that the Forest Committee appreciate his services so highly.

Khan Bahadur Maulvi Fasih-ud-din: As this is not a new item, I beg to withdraw my motion.

(The motion was, by leave, withdrawn.)

Rai Bahadur Babu Jagadeva Roy: I beg to move that under sub-head District Administration, A—(a)—General Establishment, a reduction of Re. 1 be made.

Sir, I am alive to the fact that we have got very little time now left to speak and I shall therefore be very brief in putting before the House a very important point in connection with this motion. If you look at page 18 of the Detailed Budget Estimates, you will find that under A—(a) General Establishment the total number of officers suggested for the year 1932-33 comes to 434, whereas the number in the preceding year, viz. last year, was 426. So I am going to point out here that so far the number is concerned, there is an increase of 8. I am fully aware that the Government will come forward to meet this point of mine in this that the expenditure shown against this item for this year is less than what it was during the last year. Being conscious of this fact also I am of opinion that there is one thing which can be considered in this connection and that is this. Honorary Magistrates are undoubtedly increasing in number every year and if that be a correct fact, then my submission is that it will be for the Government to see as to why the number of stipendiary Magistrates is not being reduced. I realize the present situation. Owing to political agitation I can safely say that no reduction can probably be made just at present, but having regard to the fact that the number of Honorary Magistrates has been increasing for some years past, there should have been a reduction in the number of stipendiary Magistrates. So my only object in moving this cut is to bring to the notice of the Government that as soon as there is an opportunity of taking steps, they should be taken so as to minimize this item of expenditure.

Thakur Giriraj Singh: I have given another cut under this head (no. 68) and so I deem it proper that I should say something in connection with the cut moved by the honourable mover just now. I do not rise to say whether an I. C. S. man is superior to one who has been recruited from amongst the Deputy Collectors. I do not rise to say whether an I. C. S. district officer is expert or master in theory while the other is master in practice. I do not rise to say that one is more expert in discipline while the other is more social.

The Hon'ble the President: Let us know now what the honourable member did rise to say?

Thakur Giriraj Singh: Sir, I do rise to state the following:—If we look at page 18 of the Detailed Estimates, we find that the number of district officers under voted has increased from 11 to 15. They only submission of mine in this connection is this that the House will be glad to see and hear that this number of four will be given to Deputy Collectors and not to these I. C. S. men because in the budget statement of the Hon'ble the Finance Member it has been mentioned that such appointments shall be made and that is why some of the districts and tahsils have not been abolished. Some honourable members mentioned in their speeches today in connection with one of the cuts that Deputy Collectors cannot compete with I. C. S. district officers. With due respect I do not agree with them. I know of certain cases where students could not sit

for the I. C. S. examination because of lack of money. I remember of one case, viz., of a Deputy Collector who is in Partabgarh at present. He was reading in the 4th year class in the Allahabad University when he appeared at the P. C. S. competitive examination. He appeared at the P. C. S. examination and did not appear at the I. C. S. examination, because he had not at that time even the amount of Rs. 100 required to be deposited as admission fee.

Pandit Shree Sadayatan Pande: I rise to a point of order, Sir. The honourable member says that the posts should not go to I. C. S. officers. As this item happens to be voted, how is it possible that the posts should go to I. C. S. officers.

Thakur Giriraj Singh: As far as I remember, Sir, that Deputy Collector about whom I spoke is at present working as Deputy Collector in Partabgarh and he is the only one, who was an undergraduate, who competed at the P. C. S. examination and came out successful. One of the questions that was put to him at the examination of viva voce was, "Do you expect to pass the B. A. examination?" and he replied "certainly". And he passed the B. A. examination in II division. There is another case of a gentleman who is practising as a lawyer in Allahabad and whose name is Pandit Kanhaiya Lal Misra. He appeared at the I. C. S. examination. He could not come out successful. But from it one should not come to the conclusion that he was not fit. I have been informed that the Allahabad University students are given preference in these competitive examinations specially in the viva voce test over the Benares Hindu University students. Unfortunately he was a student of the Benares Hindu University. I am sure that had he been a student of the Allahabad University, he would have topped the list. Sir, as far as I think the man who passes the I. C. S. examination and is given the post of district officer soon after, does not know how to behave towards his subordinates (i.e. Deputy Collector). I know of cases, Sir, what these district officers think of themselves. They think that they are not district officers, but they are rulers and they have come to rule at least over Deputy Collectors. Sir, I know of cases where some of these Deputy Collectors have been given the work of treasury officers not because they were unfit to be in charge of tahsils but simply because they were quite independent so the district officers did not think it proper to give them the charge of any sub-division. In my opinion it is proper that the treasury office work should be given to a Deputy Collector who is a senior man. As I am in touch with Deputy Collectors I know that they always think that that is some sort of punishment if they are given the work of treasury office. Sir, it will not be out of place to mention here that economy can very well be effected by taking less recourse to the frequency of transfers. If you will look to the Gazette which is published once a week, you will find lots of transfers every week. I do not understand why these transfers are made. If these are made on account of the officers returning from leave then that is another thing. But in some cases I see that one man is transferred from one district to another without any reason whatsoever.

Thakur Giriraj Singh.]

In that case I simply see that it is only expenditure that is incurred and economy is not effected. Sir, if the Deputy Collectors are of such a type in some districts that they encourage the civil disobedience or non-co-operation movement then they might be transferred; I can quote cases which are useless to mention here. Recently I have seen that one Deputy Collector was transferred from Azamgarh to Basti and vice versa. Both these officers are in the good books of the district officers. I think economy might have been effected if both had been kept at their respective places. Sir, one word, I want to say about Honorary Magistrates.

The Hon'ble the President: How are we concerned with Honorary Magistrates now?

Thakur Giriraj Singh: Sir, with these words I finish my speech now.

The Hon'ble the Finance Member: I gather that the honourable mover was disturbed by the fact that the number of officers had increased. As a matter of fact they have not. There are nine or ten more shown here than last year, but last year they were in another part of the budget. In fact they are settlement officers, who since settlement has stopped have come back to district work. There has been no increase whatever. The other speakers, Thakur Giriraj Singh, was a good deal troubled about various points most of which I have failed to follow. He appeared first to be perturbed by the fact that the number of voted officers had been increased and therefore he thought there would be less places for Provincial Service men. As a matter of fact the voted officers are Provincial Service men and the increase shows that more will be given officiating charge as district officers on this occasion than last year. The number given is 15, but it will probably be 18 or so. He appeared to be under the impression that I. C. S. officers as soon as they landed in the country were made district officers. I can assure him that is not a fact. I personally was not made a district officer for eight or nine years and I do not suppose many are. He also seemed to think that we were going to use the spare men as treasury officers. In fact we are contemplating measures by which to relieve them of treasury work, which they do not like. As for transfers, Government's policy at the time is to avoid them as far as possible. But something has to be done when somebody goes on leave or retires or is promoted. I doubt whether there are many cases of the type the speaker mentioned, of one man going to Basti and the man from Basti going to Azamgarh. There must have been reasons and though I do not know them if they were inquired into they would probably be very good reasons. Probably one of the officers had been in Basti or Azamgarh district too long already.

(The motion was, by leave, withdrawn.)

Khan Bahadur Maulvi Fasih-ud-din: I beg to move that under General Administration sub-head B, Tahsildars, a reduction of Re. 1 be made. My only object in moving this motion is that a large number

of tahsils can be abolished for effecting economy. The Government seems to have made up its mind not to abolish any district, but it can conveniently abolish various tahsils, especially those which have been recommended for abolition by the Fremantle Economy Committee. It is high time now for the Government to follow the recommendations of the Fremantle Economy Committee and the Retrenchment Committee in this particular respect at this juncture.

The Hon'ble the Finance Member: Sir, it is true that we have not dealt with this particular question; it is rather a laborious task; but I am very much doubtful myself whether there is very much money in it. However, when we have a little leisure we shall examine the gains involved in this. I cannot say more than that at the present moment. I may point out that a number of changes were made in 1924-25 as a result of the recommendations of the Economy Committee, but I very much doubt if all of them are popular.

(The motion was, by leave, withdrawn.)

Chandhri Dhiriya Singh: I beg to move that under sub-head B—Sub-divisional Establishment, a reduction of Re. 1 be made.

جناب والا —

اس سے میرا مطالب یہ ہے کہ آجکل نائب تحصیلدار صاحبان کی ترقی (Graded scale) سے ہوتی ہے اس وجہ سے دس - بارہ سال تک وہ لوگ نائب تحصیلدار کی حالت میں پڑے رہتے ہیں - ایمانداری سے کام کرنے کا کوئی نتیجہ ان کی ترقی پر نہیں ہوا کرتا ہے - کتنے ہی اضلاع ایسے ہیں کہ جہاں پہ تحصیلوں میں زیادہ تر کام نائب تحصیلدار ہی کرتے ہیں اور جو بڑے بڑے مقدمات ہوتے ہیں ان کو تحصیلدار صاحبان فیصلہ کرتے ہیں اور اکثر حکام بالا دست جو ہیں ان کو یہی خیال رہتا ہے کہ سارا کام تحصیل کا تحصیلدار صاحب ہی انجام دیتے ہیں - اگر زیادہ تر اضلاع میں دیکھا جائے تو وہاں پر نائب تحصیلداران (M. A., B. A.) اور (LL. Bs) ہیں اور ان کی تنخواہ سو سے قہرہ سو تک ہے جو کہ آجکل کے زمانے میں ایک شریف آدمی کے لئے جو کہ باکنبہ ہے کافی نہیں ہوتا ہے - ان کو بڑی مشکل سے گزارہ کرنا پڑتا ہے - لہذا میری رائے میں ان کی ترقی (Graded scale) کے بجائے (Time scale) سے ہونا چاہیئے - یہاں پر یہ کہہ دینا بھی غیر ضروری نہ ہوگا کہ ان کے (T. A.) کا تاعدہ بھی ایسا بڑا بنا ہوا ہے کہ ان کو مہینہ میں بہت ہی کم ملتا ہے - حالت یہ ہے کہ دورہ پڑ جاتے ہیں اور شام کو لوٹ آتے ہیں ایسی حالت میں ان کو کچھ نہیں ملتا تاوقتیکہ وہ رات کو وہاں پر قیام نہ کریں - ایسی حالت میں ان کو اپنی تنخواہ سے یکے کا کرایہ دینا پڑتا ہے جو کہ روپیہ ڈیڑہ روپیہ پڑتا ہے وہ ان کو اپنی تنخواہ سے دینا پڑتا ہے اور چونکہ آجکل زمینداران اور کاشتکاران کی حالت ایسی نازک ہو رہی ہے کہ

Chaudhri Dhirya Singh.]

مالگزارى کا درپيہ بڑی مشکل سے وصول ہوتا ہے آب پاشی اور تقاضی کا کہنا ہی کیا ہے اُس کی وصول یابی کا سارا بار نائب تحصیلدار کے سر پر ہوتا ہے۔ جہاں یہ کام تحصیلدار صاحب کے ذمہ ہے وہاں بھی اُن کے حکم سے نائب کو کرنا پڑتا ہے اور وہ کہنے کے لیئے مجبور ہوتے ہیں۔ جہاں تک مجھ کو یاد ہے پچھلی کسی کونسل میں کسی معزز کونسلر صاحب نے یہہ رزلوشن پیش کیا تھا کہ اُن کی ترقی Time-scale سے ہونا چاہیئے لیکن بوجہ عدم موجودگی Mover صاحب وہ رزلوشن پیش نہ ہو سکا اور اسوجہ سے اُس کے اوپر کونسل اور گورنمنٹ کی رائے ظاہر نہ ہو سکی۔ اس لیئے میں اس بات پر زور دیتا ہوں کہ اُن کی ترقی Time-scale سے ہونا چاہیئے نہ کہ Graded scale سے۔ یہہ کہہ میں اپنی اسپیچ کو ختم کرتا ہوں *

The Hon'ble the Finance Member: Sir, I gather from the honourable member's speech that the lot of Naib-Tahsildars is indeed very hard—their promotion is delayed, their travelling allowance is very little, their pay is small, and they have to keep a horse out of it. Personally I do not think that they are so badly off as the honourable mover makes out. He suggests that the remedy lies in a time-scale. But the trouble about a time-scale is that it is so terribly expensive. Though the matter will have to be considered some time, sooner or later, I suggest that the present time, when there is absolutely no money in anybody's pocket, is not the best time.

(The motion was, by leave, withdrawn.)

Khan Bahadur Maulvi Fasih-ud-din: Sir, I beg to move that under sub-head works a reduction of Rs. 27,200 be made.

We have to admit that in these days of great financial crisis we should cut down our programme of new works and even necessary repairs and all repairs that can stand over till next year. For that reason I give this round figure to the Hon'ble the Finance Member, and I hope he will consider the advisability of further reducing the budget for works which is already very large.

The Hon'ble the Finance Member: I think that the honourable mover said that the figure was very large. He was not speaking entirely by the book. Out of Rs. 84,000 which we have to spend during the year on all buildings, tahsils, kutcheries, Commissioners' offices, Board of Revenue offices and the offices of the headquarters establishment and this building—Rs. 77,200 comes under District Administration, tahsils, etc., and that will work out roughly to Rs. 500 per building. Well, Sir, I do not think that for every kutchery or tahsil an average expenditure of Rs. 500 will be regarded as excessive. I may further point out to him that the normal provision is Rs. 1,87,200. We have already reduced it by Rs. 1,10,000. I do not think we should be asked to reduce it any more.

(The motion was, by leave, withdrawn.)

GRANT NO. 1. HEAD 22—GENERAL ADMINISTRATION—(contd.).

Mr. Brijnandan Lal: Sir, I beg to move that under head 22—General Administration (entire head), a reduction of Re. 1 be made. Sir, under this cut I want to bring to the notice of the Government a longstanding grievance of a large number of people of my district. Some years ago Aligarh tahsil in my district was abolished—it was not only abolished but about 42 villages of the district were transferred to the Shahjahanpur district. They sent memorials, they made representations but they were unheeded. They showed that there would be no saving and their forebodings have come to be true but the Government has not paid any attention to their representation so far. Their request is based on very strong grounds. No. 1, there are several zamindars in these villages who still own property in the Farrukhabad district, the rest of their property has been transferred to the Shahjahanpur district. The result is that they have got to go to both the courts at Shahjahanpur and Farrukhabad. The Shahjahanpur courts are situated at a distance of about 40—45 miles from these villages and the Farrukhabad courts are situated at a distance of 18 miles. (2) Previous to the transfer of these villages they could get loans from the people of Farrukhabad for their needs, for example floods which are very common in this area, but now they cannot get them. The people of Farrukhabad will not advance them any money because they fear that they will have to go to Shahjahanpur courts to realize their money. (3) Owing to the peculiar situation of these villages there are frequently boundary disputes and they have to be referred to both the districts. (4) I have already submitted that the maximum distance of these villages from Shahjahanpur is 40—45 miles while the maximum distance from Farrukhabad is only 18 miles and that the real object of the economy has not been achieved. It may be said that this step has been taken on account of administrative convenience but I submit, Sir, that if the District Magistrate, who is a very sympathetic officer, is consulted, it will be found that there is no administrative convenience and the tahsil was abolished simply as a measure of economy. I would, therefore, request the fair-minded Finance Member to look into this question impartially and if in consultation with the district authorities he finds that instead of any saving or convenience, it has resulted in a great inconvenience to the people of these villages he should at any rate retransfer these villages to Farrukhabad. He may not re-establish the Aligarh tahsil although there will be no harm in doing it, but I think the people will be satisfied if these villages are retransferred to Farrukhabad and distributed among the Kaimganj and Kanauj tahsils.

The next question to which I want to draw the attention of the Government is in connection with the town areas and notified areas. The persons living in these town areas and notified areas have to pay triple taxes. They have to pay income-tax, they have to pay the district board tax and they have to pay the town area or notified area tax as the case may be. So what I will request the Hon'ble the Minister for Local Self-Government to do is that if he does not propose to abolish the district board tax he may at least

Mr. Brijnandan Lal.]

consider the question of the reduction of that tax. Otherwise it is very hard for these people. I am sure that if people of these areas are consulted, they would probably like to have nothing to do with the district boards. I would, therefore, request the Hon'ble the Minister to consider the matter sympathetically.

The Hon'ble the Finance Member: Five minutes ago my friend, Khan Bahadur Maulvi Fasih-ud-din, was pressing us to abolish some tahsils. Now Mr. Brijnandan Lal asks that a tahsil which we have already abolished should be revived. The conjunction is rather striking, and I do not think that it is likely to induce Government to abolish any more tahsils. The tahsil in question was abolished as a measure of economy in 1924. The local authorities complained that it was extraordinarily difficult for the villagers living on the Shahjahanpur side of the Ramganga to get to the other side, particularly during the rains, and that it was geographically sound to transfer the villages on that side to Shahjahanpur. They also calculated various savings. One knows by experience that a change of that kind very often does not yield the saving which is expected. And undoubtedly where the question arises of abolishing a tahsil, people do not like it. Now they want us to upset what we did in 1924. I say that for geographical reasons as also from what I have seen in the file on the subject, the change was probably wise; but I shall look into the matter again.

Mr. Brijnandan Lal: The Hon'ble the Finance Member pointed out that while Khan Bahadur Maulvi Fasih-ud-din wanted the abolition of tahsils, I wanted on the other hand that they ought not to be abolished. I do not think that the Khan Bahadur Sahib wants the abolition of tahsils just for the sake of abolition. He wants it because he hopes that some economy will result from it. In this case there has been no economy at all. On the other hand the Government has been put to a loss. I had a talk with certain officers on the subject, and they all told me privately that this was so. Then the Hon'ble the Finance Member said that the tahsil was abolished for geographical reasons. Are not the Government to look to the convenience of the people? If not, what do they exist for? Are we to suit the convenience of a few officials who had to cross the Ramganga, or are we to look to the convenience of the entire body of villages in the neighbourhood? If the matter is referred to the local authorities and if they are asked definitely to state whether the people in the locality want that the tahsil be revived, I have no doubt about the reply, and if that reply is favourable to the view I have expressed before the House, I submit that the Government should make the change. I think that the Government want to stick to what they have done once. Last time I put certain questions; and the Government wanted time to consider the question. Then I put a supplementary question, and the Finance Member without considering the question said that the Government was not prepared to accede to the demand. No inquiry was made and the matter was dropped. The Government is sticking to its decision, because it does not want to acknowledge its mistake. But as a representative of the people I consider it my duty to request the Hon'ble the Finance Member to look

into this matter and to enquire from these people themselves whether they want this change or not.

As regards my proposal about taxation in town areas, I expect a reply from the Hon'ble the Minister for Local Self-Government.

(The Hon'ble the Minister for Local Self-Government rose).

The Hon'ble the President: The Hon'ble the Minister for Local Self-Government might have replied earlier to the honourable mover's point about taxes in town areas, but he did not get up, which shows that he did not want to say anything. It is too late now for the Hon'ble the Minister to speak, as the mover has replied.

The Hon'ble the Finance Member: Apparently, my former speech was partly unintelligible to the honourable mover and partly inaudible. When I referred to the Khan Bahadur in connection with this motion, I said that Mr. Brijnandan Lal's speech was a complete answer. I said that it was a matter of convenience. It was really not only a question of convenience to the officers who had to go into the villages across the river, but it was also a question of convenience of the people living on the other side of the Ramganga. However, I have already said that we will look into the matter again. I cannot say what we shall do, but at all events we shall look into the matter, though I still hold that for geographical reasons the abolition of the tahsil was sound.

With regard to taxation, I am sorry the Hon'ble the Minister could not get an opportunity to reply, but I should like to say on his behalf that he will also look into the matter.

Mr. Brijnandan Lal: Sir, in view of the assurance given by the Hon'ble the Finance Member, I beg to withdraw my motion.

(The motion was, by leave, withdrawn.)

Rao Krishna Pal Singh: I beg to move that under head 22—General Administration (entire head), a reduction of Re. 1 be made.

Sir, I gave notice of this motion in order to press the desirability on the Government to transfer some of the subjects known as reserved subjects to the popular control. It is rather late now for the details; but Sir, as the matter has been dealt with on various occasions both in this Council and in the Legislative Assembly, I think there is overwhelming evidence to show that this transfer should be effected. When the Leader of the Opposition, Mr. Chintamani, moved a resolution to this very effect the Government promised to send the recommendation of the Council to higher authorities and to see what could be done in the matter. I should like to know what action has been taken and whether any reply has been received from the higher authorities. If so, what is that reply? I would reserve my other remarks for some future occasion.

Khan Bahadur Maulvi Fasih-ud-din: Sir, I am afraid that this important question has been introduced by my friend at a very late hour in the day. It is important not only from the point of view of the administration of these provinces, but it is of an all-India significance.

Khan Bahadur Maulvi Fasih-ud-din.]

The introduction of the scheme which he proposed, viz. the transfer of some of the reserved subjects to the transferred side, is I am afraid, ill-conceived and ill-timed. It is clear that the system of dyarchy has been denounced in unmeasured terms by all the parties concerned, both official and non-official. The Minister has to serve two masters. He has to sit between two stools. He is between two mill-stones of the Executive and the Legislature. It is why the dyarchy has been denounced by every one of us. The Minister has to please the Council members on the one side and he has to be at the beck and call of the Executive on the other side. If we were to transfer more subjects and pile them over his head, his position will become worse still. We would be accentuating the effects, all the evil effects, of dyarchy still more. As it is, his life is not a bed of roses, it is a bed of thorns. He has to live between the devil and deep sea and he . . .

The Hon'ble the President: Has the honourable member made inquiries from the Ministers concerned?

Khan Bahadur Maulvi Fasih-ud-din Sir, I am opposing the motion. What I submit is that this motion is ill-advised so long as the present system prevails. For that reason I think that every right-thinking man should oppose it. We would certainly find a justification for a request of this kind, if we were to get provincial autonomy, and if the official block were to be eliminated from the Council. This request is premature and ought to be disallowed by this honourable House.

Shaikh Muhammad Habib-ullah: Sir, when my friend, the mover of this resolution, spoke, I thought he tried to elicit some information from the official benches. But before that could come, my friend, Khan Bahadur Maulvi Fasih-ud-din has opposed the motion. His grounds are that it is ill-conceived. Secondly, that it is not in time and that it involves the further trouble of dyarchy. Well, Sir, I do not know how it is ill-conceived. So far as I hear from my friend the mover of the resolution, he said that he would rather like some of the departments under the reserved side of the Government to be transferred to the ministerial side, which is called the Transferred side. I cannot understand how far this request is ill-conceived, and to what extent it will bring dyarchy into further ridicule or something which my friend has used. In fact if anything, it will reduce the ridiculous side of dyarchy by transferring more departments to the side of the Ministers. What is objected to in dyarchy are the two sides of Government—Reserved and Transferred.

The Hon'ble the President: Well, I am afraid I must interrupt the honourable member now. It is 4.30 p.m. The original demand was for a sum of Rs. 1,05,34,296 for General Administration. Since when the Council has carried cuts to the extent of Rs. 902. The question is that a sum of Rs. 1,05,33,394 be granted for General Administration.

(The question was put and agreed to.)

(The Council was then adjourned at 4.32 p.m. till the following day.)

LEGISLATIVE COUNCIL, UNITED PROVINCES OF AGRA AND OUDH.

Wednesday, March 2, 1932.

THE Council met at the Council House, Lucknow, at 10.30 a.m.
The Hon'ble Sir Sita Ram in the Chair.

PRESENT (88).

The Hon'ble Mr. E. A. H. Blunt.
The Hon'ble Captain Nawab Sir Muhammad Ahmad Said Khan.
The Hon'ble Nawab Muhammad Yusuf.
The Hon'ble Mr J. P. Srivastava.
Mr. J. M. Clay.
Mr. H. A. Lane.
Mr. P. Mason.
Mr. V. N. Mehta.
Mr. F. Canning.
Mr. J. R. W. Bennett.
Mr. A. H. Mackenzie.
Mr. J. N. L. Sathe.
Mr. R. D. W. D. Macleod.
Mr. O. St. L. Teyen.
Rai Bahadur Pandit Suraj Din Bajpai.
Khan Bahadur Saiyid Ain-ud-din.
Mr. E. F. Oppenheim.
Mr. K. N. Knox.
Mr. S. T. Hollins.
Lieut.-Col. C. L. Dunn.
Mrs. Kailash Srivastava.
Khan Bahadur Maulvi Fasih-ud-din.
Mr. H. C. Desanges.
Mr. E. Ahmad Shah.
Rai Sahib Babu Rama Charana.
Mr. Perma.
Rai Bahadur Babu Awadh Bihari Lal.
Chaudhri Ram Dayal.
Chaudhri Jagannath.
Chaudhri Baldeva.
Sahu Jwala Saran Kothiwala.
Chaudhri Ram Chandra.
Chaudhri Ghasita.
Rai Bahadur Chaudhri Raghuraj Singh.
Chaudhri Arjun Singh.
Rao Bahadur Thakur Pratap Bhan Singh.
Rao Bahadur Thakur Bikram Singh.
Kunwar Girwar Singh.
Chaudhri Dhirya Singh.
Honorary Lieut. Raja Kali Charan Misra.
Rao Bahadur Kunwar Sardar Singh.
Rai Sahib Lala Manmohan Sahai.
Kunwar Jagbhan Singh.
Thakur Keshava Chandra Singh.
Mr. Brijnandan Lal.
Rao Narsingh Rao.
Chaudhri Ram Adhin.
Mr. Bhondwa.

Chaudhari Bharos.
Pandit Shri Sadayatan Pande.
Rai Bahadur Babu Jagadeva Roy.
Mr. Dahari.
Rai Rajeshwari Prasad.
Rai Bahadur Thakur Shiva Pati Singh.
Thakur Giriraj Singh.
Pandit Prem Ballabh Belwal.
Thakur Jang Bahadur Singh Bisht.
Pandit Brahma Dutt alias Bhaiya Sahib.
Rai Bahadur Thakur Hanuman Singh.
Lal Sheo Pratap Singh.
Kunwar Diwakar Prakash Singh.
Thakur Muneshwar Bakhsh Singh.
Raja Jagdambika Pratap Narayan Singh.
Lal Ambikeshwar Pratap Singh.
Rai Bahadur Kunwar Surendra Pratap Sahi.
Rai Rajeshwar Bali.
Mr. Zahur Ahmad.
Syed Ali Zaheer.
Khan Bahadur Mr. Muhammad Abdul Bari.
Syed Yusuf Ali.
Khan Sahib Muhammad Maqsood Ali Khan.
Shah Nazar Husain.
Captain Nawab Muhammad Jamshed Ali Khan.
Nawabzada Muhammad Liaquat Ali Khan.
Hafiz Muhammad Ibrahim.
Khan Sahib Muhammad Hadiyar Khan.
Khan Bahadur Hafiz Hidayat Husain.
Khan Bahadur Maulvi Saiyid Habibullah.
M. Nisarullah.
Khan Bahadur Saiyid Jafar Hosain.
Sardar Muhammad Shakirdad Khan.
Muhammad Imtiaz Ahmad.
Shahkh Muhammad Habibullah.
Chaudhri Muhammad Ali.
Rai Bahadur Kunwar Bisheshwar Dayal Seth.
Raja Jagannath Bakhsh Singh.
Rai Bahadur Babu Vikramjit Singh.
Munshi Gajadhar Prasad.

MEMBER SWORN :

Lieut.-Col. C. L. Dunn.

QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

SHRI KRISHNA PATHSHALA, AZAMGARH.

* 1. **Thakur Giriraj Singh**: Is it a fact that the Shri Krishna Pathshala, Azamgarh, has been recognized as a high school from the next July, and there has been no increment in the grant-in-aid this year and for the next year?

(2) Is it a fact that the Shri Krishna Pathshala is getting only Rs. 150 per month as grant-in-aid?

(3) Is it a fact that the Shri Krishna Pathshala which will be a high school from July, 1932, has got its own building and has not received any building grant?

The Hon'ble the Minister for Education (Mr. J. P. Srivastava): (1) Yes; the answer to the second part is in the negative.

(2) Yes.

(3) Yes.

Thakur Giriraj Singh: Is it a fact that in the year 1929-30 and 1930-31 a building grant has been given to some other institution in the Gorakhpur division?

The Hon'ble the Minister for Education: I cannot tell you off-hand. I ask for notice.

Thakur Giriraj Singh: Is it a fact that one high school in the Gorakhpur division was given so much grant-in-aid in 1929-30 and 1930-31 which the management could not spend and so in the next financial year the grant-in-aid was reduced?

The Hon'ble the President: But this question does not arise out of the one on the notice paper.

Thakur Giriraj Singh: May I know, Sir, is there any recognised institution in the Gorakhpur division which may have spent a lot of money and yet has not received anything as building grant?

The Hon'ble the President: Well, I think the same observations apply to this question also.

* 2. **Thakur Giriraj Singh**: [*Postponed at the request of Government.*]

* 3—5. **Chaudhri Baldeva**: [*Postponed at the request of Government.*]

* 6—13. **Chaudhri Baldeva**: [*Postponed at the request of Government till March 16, 1932.*]

NO RENT CAMPAIGN AND CIVIL DISOBEDIENCE MOVEMENT.

* 14. **Thakur Rampal Singh**: How many cases have there been since the renewal of the civil disobedience movement in which the police has had to resort to firing to disperse unruly crowds? Will the Government be pleased to give the number of casualties in each case?

The Hon'ble the Finance Member (Mr. E. A. H. Blunt): Six, as follows:—

Place and date of occurrence.	Casualties among Government servants and their supporters.	Casualties among members of the public.
(1) Rudapur, Allahabad district, on December 15, 1931.	Nil ..	Nil.
(2) Benares, on January 5, 1932	The District Magistrate and 25 policemen were hit by bricks.	Three persons died and 85 were injured by gun shots. Fifty-two persons were injured by <i>lathis</i> .
(3) Ramkola, district Gorakhpur, on January 13, 1932.	One constable was injured by a <i>lathi</i> blow.	Nil.
(4) Jagannathpur, district Budaun, on January 16, 1932.	Thirty persons among the police and their supporters were injured by <i>lathis</i> and bricks.	One man died and two were injured by gun shots.
(5) Simaria, district Hardoi, on January 26, 1932.	Fifteen police officers and men were injured by missiles and <i>lathi</i> blows.	Three persons died and 31 injured by gun shots.
(6) Lohari, police circle Meja, district Allahabad, on January 26, 1932.	One sub-inspector, five constables and two <i>chaukidars</i> were injured by stones.	Four persons were injured by gun shots.

* 15. **Thakur Rampal Singh**: How many private houses have been searched by the police since the beginning of January? In how many of them has incriminating material been found?

The Hon'ble the Home Member (Captain Nawab Sir Muhammad Ahmad Sa'id Khan): The collection of the information asked for will involve an expenditure of much time and labour and will not yield results of commensurate importance. If the honourable member wishes enquiry to be made in a few selected towns or districts, this will be done.

* 16 & 17. **Thakur Rampal Singh**: [*Postponed at the request of Government.*]

* 18. **Thakur Rampal Singh**: Will the Government be pleased to give the total number of arrests and convictions in connection with the no-rent campaign and the civil disobedience movement in the United Provinces?

The Hon'ble the Finance Member: Government regret that they have no information as to the number of arrests. The total number of convictions reported up to February 27, 1932, is 5,993. Of these 1,034 persons were released on apology.

* 19. **Thakur Rampal Singh**: Is it a fact that some persons who had been given "A" and "B" classes on previous occasions have now been placed in "B" and "C" classes respectively? If so, will the Government be pleased to state reasons why this has been done?

The Hon'ble the Home Member: This may have occurred in a few cases where after further examination the earlier classification appeared to be incorrect. Government are prepared to look into any specific cases that are brought to their notice.

* 20. **Thakur Rampal Singh:** Will the Government be pleased to give the daily cost of maintaining an "A," "B," and "C" class prisoner in jail?

The Hon'ble the Home Member: According to the rules for prisoner admitted to classes "A" and "B" the diet provided for vegetarians shall not cost more than 8 annas per head per diem and for non-vegetarians 11 annas. "A" class prisoners are, however, allowed to supplement the food provided at their own expense. The food provided for "C" class prisoners is shown in chapter XVIII of the Jail Manual. The cost varies according to the rates at which purchases are made.

* 21. **Thakur Rampal Singh:** Is it a fact that in some places conveyances plying for hire have been ordered not to carry Congress workers?

The Hon'ble the Finance Member: Yes.

* 22. **Thakur Rampal Singh:** [*Postponed at the request of Government.*]

CERTIFICATION OF CHARACTER OF A MUNSIF BEFORE CONFIRMATION.

* 23. **Mr. C. Y. Chintamani:** Will the Hon'ble the Home Member be pleased to state the result of his promised consideration of the suggestion made in the last session that a munsif before confirmation should not be required to obtain a certificate of character from the district magistrate and that if such a certificate should be held to be indispensable it is from the district judge that he should have to get it?

The Hon'ble the Home Member: It has been ascertained that the Hon'ble High Court will usually be satisfied with a certificate given by District Judge, but are not prepared to fetter their discretion in this respect. If the Hon'ble Court consider it desirable that the District Magistrate should on any occasion be consulted, they will continue to do so.

SPECIAL RATES OF ALLOWANCE TO M. L. CS. FOR ATTENDING COUNCIL AND OTHER SPECIAL COMMITTEES.

* 24. **Pandit Shri Sadayatan Pande:** Will the Government be pleased to state the reasons why special rates of allowances are allowed to M. L. Cs. when they are required to attend a session of the Council or the Finance and Public Accounts Committees, Committees on Local Self-Government, Medical and Public Health Departments, Select Committees appointed by the Council for legislative business, and not when those very members attend Government committees or boards?

The Hon'ble the Finance Member: Since 1909 rates for meetings of the Council and special committees of the Council have differed from rates granted for ordinary committees. The Government are not prepared to disturb this long-standing rule.

* 25. **Pandit Shri Sadayatan Pande:** [*Postponed at the request of Government.*]

CONTRACT OF LAC IN DUDHI GOVERNMENT ESTATE.

* 26. Pandit Shri Sadayatan Pande: (a) Will the Government be pleased to state (i) who holds the contract of lac in Dudhi Government estate and (ii) on what annual revenue and for what period?

(b) Was the sale of lac conducted on auction system? If so, when and where and who were the bidders, and what were the amounts offered?

The Hon'ble the Finance Member: (a) (i) Messrs. Gladstone Wyllie and Company, Calcutta.

(ii) The annual revenue is the royalty on stick lac collected subject to a minimum of Rs. 7,000 and a maximum of Rs. 50,000, according to the quantity and the average price of shellac in Calcutta. The period is ten years from July 1, 1931. The royalty is calculated according to an elaborate formula, which will be shown to the honourable member, if he desires.

(b) Notices were published, and details were supplied to persons answering the advertisements, and circulated in various districts in Bihar and Central Provinces and in Rewah and Sarguja. No tenders were received up to the date fixed in the notices.

* 27-29. Pandit Shri Sadayatan Pande: [*Postponed at the request of Government.*]

DIRECT REALIZATION OF CANAL DUES.

* 30. Pandit Shri Sadayatan Pande: Will the Government be pleased to say which district officers in the province recommended direct realization of canal revenue and under what section of which Act or Manual?

The Hon'ble the Finance Member: (i) All the districts of Meerut, Agra and Allahabad divisions and the districts of Shahjahanpur, Banda, Hamirpur and Bara Banki. Commissioner, Lucknow, has also been directed to authorize district officers of his division to make direct collections if this appears to be necessary.

(ii) Direct collections are made under section 45 of the Northern India Canal and Drainage Act, 1873 (Act VIII of 1873).

JAMABANDI.

* 31. Pandit Shri Sadayatan Pande: Are Government aware of the fact that recently the Board of Irrigation passed a resolution to the effect that it was to be left on the option of the lambardars to accept or not a *jamabandi* of the canal at the present rate of rebate allowed by the Government for such collection and that acting on this, a lambardar was at liberty to refuse a *jamabandi*?

The Hon'ble the Finance Member: No. A resolution on this subject was to be moved by the honourable member at the Board's meeting held on October 24, 1931, but owing to the honourable member's absence it was not moved.

* 32. Pandit Shri Sadayatan Pande: Have Government accepted this decision of the board? If so, what steps are being taken to

amend the Northern India Canal and Drainage Act of 1873; and paras. 233 and 234 of the Revenue Manual, in this connection?

The Hon'ble the Finance Member: Does not arise.

* 33. **Pandit Shri Sadayatan Pande:** Is it the intention of the Government to issue special rules without loss of time to protect the lambardars from the threat which certain sections of the Northern India Canal and Drainage Act of 1873 and the Revenue Manual hold out, in case of a lambardar refusing to accept a *jamabandi* and collect canal revenue for Government?

The Hon'ble the Finance Member: Government are considering the general question of making direct collection the normal procedure, and hope to be able to come to a decision in the matter early in the ensuing hot weather.

Unstarred questions.

1—4. **Syed Yusuf Ali:** [*Postponed at the request of Government till March 8, 1932.*]

5—10. **Rai Sahib Lala Anand Sarup:** [*Postponed at the request of the honourable member concerned till March 12, 1932.*]

THE BUDGET 1932-33.

DISCUSSION OF DEMAND FOR GRANTS.

GRANT NO. 7. HEAD 31—EDUCATION.

The Hon'ble the Minister for Education: Sir I rise to communicate to the Council the recommendation of His Excellency the Governor that a sum of Rs. 1,08,74,401 be granted under the head 31—Education, and I move that this sum be voted.

Sir, in accordance with the usual practice I shall say a few words as to the working of the department during the last year, and also refer to the salient features of the budget. Sir, last year's main feature has been retrenchment from beginning to end. We have had to curtail expenditure on every branch of education, but Sir, we have not let any work suffer. In the universities, notwithstanding retrenchment there has been no curtailment of activities. In the sphere of secondary education too we have not let work suffer. We have gone on with the medical inspection of schools which, as this House is aware, has now been transferred to the Public Health department, who are carrying it on in consultation with this department.

Sir, the scheme for manual training to which the department attaches considerable importance has been carried on undisturbed. We have also made progress with the work of ruralising the curriculum of vernacular middle schools, we maintain a large number of classes for the teaching of rural knowledge in those schools and we are now going to open training classes at the Government normal schools and Government training schools so that we may have a larger supply of teachers. We have not been able to extend compulsory education in rural areas. But the scheme has nowhere been curtailed. In municipalities too the work of compulsory education has gone on as before.

The universities have very carefully gone through their expenditure and have curtailed the same in certain directions, without, of course, reducing their efficiency. Messrs. Teyen and Harrop are examining the budgets of the universities. They are only collecting data, which would be placed before the Government in order that they may be able to see in what directions economies are possible. Universities will of course later on be consulted. There is no intention on the part of Government to ignore the universities before a decision is taken in the matter of fixation of their grants.

I have personally presided over a committee which inquired into the expenditure of the Civil Engineering College at Roorkee. The report of that committee has been distributed to members.

We have accepted most of the recommendations of the Retrenchment Committee—in fact I should say almost all. We have reduced the number of inspectors from 10 to 7 and we have made all other economies which were recommended by the Retrenchment Committee.

The department has also fixed new rates of salary for new entrants. This new scale of salary will be roughly two-third of the present pay.

There has been in the past a good deal of waste in vernacular education. The department is looking into this. A small departmental committee has made an examination of the working of compulsory education and the report of this committee is awaited.

The condition of the district boards in the provinces has not been very satisfactory. Their finances have been extremely weak and in some cases they have utilized for various other purposes grants which were given to them for primary education. Government has endeavoured to put this right without inconveniencing the boards. They have been premitted to make repayments by a system of instalments.

In girls' education, Sir we have made no retrenchment. (Applause). On the contrary Government are preparing the way for considerable expansion, as soon as the financial condition improves. As this Council is aware there is a committee, consisting of ladies, sitting to inquire into this important question.

I will now turn to the Budget of 1932-33. The main feature of it is that there is a decrease of expenditure amounting to 7 lakhs below the revised Budget of 1931-32. This sum, if taken absolutely, seems to be large, but relatively it compares well with the reductions made in the budgets of reserved departments. It represents a decrease of 3.6 per cent., whereas the decrease under Police comes to 6.2 per cent. and under General Administration to 4 per cent. This reduction is made up entirely of the emergency cut in pay, reductions in grants-in-aid to aided institutions and local bodies and other minor economies effected by the department. It is some comfort that notwithstanding this reduction the budget of this department still represents as large a percentage of total charges as before. This percentage was 16 in 1930-31 and in 1931-32 it is still 16. The position is in fact slightly better in 1931-32. In a lean year we cannot expect to get much money for new items but small as it is, our

[The Hon'ble the Minister for Education.]

schedule list reflects the policy of the Government. As the Council will see, most of the items in the schedule of demands relate to girls' education—in fact all excepting one. There was a time when if economies had to be made girls' education suffered before boys. The position is now reversed. We must, of course, deplore the curtailment of educational expenditure but that does not mean that there is to be no progress. Progress does not always depend upon money. We have seen that within the funds provided for 1932-33 not a single school need be closed. What we will endeavour to do will be to eliminate waste and make for greater efficiency with the money at our disposal. I would appeal to all those engaged in the work of education to put their shoulders to the yoke and advance the cause of education even though funds are not as plentiful as one would wish them to be. I am sure that all of us will do what we can by our individual efforts to make our system of education so fruitful of results that we may get 16 annas for every rupee spent on it. We need for this sustained endeavour and I am sure we will get it. (Applause).

The Hon'ble the President: The notice of this motion was received late. Is there any objection to its being moved?

(No objection was raised).

Munshi Gajadhar Prasad: I beg to move that under sub-head University Education A-1—Grants to the University of Allahabad, a reduction of Re. 1 be made.

My object in moving this token cut is to elicit certain information with regard to the decrease in grants to the Allahabad University and to draw the attention of this august House to the same. Now, Sir, from the budget we find that as a matter of fact the actual expenses incurred in the year 1930-31 were Rs. 7,32,021 and the budgeted estimate for 1932-33 is Rs. 6,58,027. As is well-known, the Allahabad University is the oldest university in these provinces and many of its alumni are at the helm of public affairs and also in government services. Its reputation has spread far and wide and I state the barest truth when I say that students from beyond the borders of these provinces, for example from Bengal, Bihar and the Punjab, seek admission to the University at Allahabad. The work done in the shape of post-graduate studies and research has also been appreciated not only by the experts in these provinces but almost all over India and I think there will be no better certificate than the certificate given by the Director of Public Instruction himself in his report where he says that the amount of research work done by the staff and post-graduate students is really creditable. Apart from this, the expenses in the nature of things are bound to rise, particularly on the Science side where there is necessity for costly equipments and apparatus. On the Physics side where we have a Professor of the reputation of Dr. Saha who is very well-known not only in these provinces but throughout the length and breadth of India, the rush of students is really large. If the Physics theatre as it stands is extended, that would really be a great boon to the students, for many students seeking admission have to be refused for want of accommodation there.

Now we find that a scheme for military education has also been started in the Allahabad University, and practical training is sought to be imparted there to students who seek admission for training in Agriculture. Again, the ordinance relating to students has also been amended, that will also entail some expenditure because the students cannot live anywhere else but in the hostels. In the report of the Director of Public Instruction it is said that the ordinance exempting students who were twenty-two years of age or upwards and were post-graduate students from residing in a college or hostel or being otherwise under approved supervision has been amended. Under the amended ordinance all students of the university without exception are required either to reside in a college or hostel or to be under the supervision of university authorities. Now, Sir, these are some of the items requiring additional expenditure in addition to the expenditure that has been incurred in the past. I will draw the attention of the Hon'ble Minister to the increasing requirements of the university and to the rush of students from even beyond the borders of these provinces. I would beg to submit that the matter requires reconsideration.

As regards the question of block grant which is under consideration and concerning which the Hon'ble the Minister for Education has made a statement just now, I submit with great respect that it would have been much better if representatives from various universities would have been consulted beforehand. And if some members of these universities had been co-opted, it would have saved time and obviated the necessity of referring the matter to them again. People who are in the university know the requirements much better than people who are outside it and without meaning any disrespect to the persons who are already on this particular kind of work I beg to submit that if some representatives of the universities had been co-opted, a great deal of labour would have been saved and they would have suggested as to what possible retrenchment could be effected without impairing the efficiency of the various universities.

Khan Bahadur Hafiz Hidayat Husain : Sir, my honourable friend Munshi Gajadhar Prasad has stressed the point of the inadequacy of grant to the Allahabad University and has recommended that additional grant be made to that university. As an old alumni of the Allahabad University I have my sympathies with the subject matter of his motion, but in connexion with the recommendation made by my honourable friend you will Sir, permit me to make one or two observations in the hope that the Hon'ble Minister when dealing with this subject will have them in view. The first point is that at the beginning of every academic year the Allahabad University opens its portals for new entrants and admits a sufficiently large number. My complaint is that admissions to the university are made indiscriminately and consequently there is a larger number of students than the university buildings can adequately allow with the resultant consequence that the professors cannot exercise the same personal contact with the students as they should in a residential university. Now Sir, this university was converted into a residential university, and only colleges in a prescribed area with residential system were to be affiliated to the university. The main object of a residential system

[Khan Bahadur Hafiz Hidayat Husain.]

of a university is the building of character and it cannot be said that in this matter the Allahabad University has attained the standard which the founders of the university had in view. Then Sir, my second complaint is that all the professors barring a few, do not give as much time to research work as they should. Teaching is limited to just a few hours, for a few periods a day only, and unless and until the professors who are highly paid devote a considerable time to research work, the university does not profit by their knowledge and erudition as much as it should. I stress the point that the professors of the University, one and all should without detaching themselves from their professorial duties of teaching and instruction devote more and more time to research work in order that the outer world may also profit by the result of their work. And the Executive Council ought to be charged with seeing that members of the professorial staff give at least a few hours a day to research work only. Then Sir my *third* point is that there should be more of practical work in the University than mere theoretical teaching. After all residential Universities are marts of learning and character building and unless and until those seminaries of learning give the students that practical turn of mind without being too theoretical which will alone fit them to fight their way in the world my submission is that the Universities do not come up to the standard which it should be their aim to attain. These Sir are the three points which without opposing Munshi Gajadhar Prasad I wish to impress upon the Department of Education with the hope that they will be brought to the notice of the authorities of the University.

Thakur Giriraj Singh: In speaking on this cut I wish to bring to the notice of this House certain irregularities and the somewhat peculiar policy of the Allahabad University. Sir, I do not understand what is the policy of this University in having for its Vice-Chancellor a man who has already retired from Government service and is drawing such a huge salary. He gets Rs. 200 as house rent in addition to Rs. 2,000 per mensem as pay. Sir, it will not be out of place to mention here in this connexion that the huge salaries of the professors of the Allahabad University have also not been cut. But what has been done is that the tuition fees have been enhanced. Up to this time students had to pay only nine months' fees and now they will have to pay ten months' fees. The hostel fees have also been increased. And the scholarships and research scholarships have also been reduced from Rs. 100 to Rs. 50 per month. All these things have been done quite easily because there was no one on behalf of the students in the executive council of the University who could represent their case properly. I think that is why these things have been done. Otherwise they would not have been done at all. Sir, I shall also not be out of place in mentioning that one professor, Mr. Choudhry, who had long experience of the Law department, and when the time came for choosing the head of this department he was replaced by a man who was called from another place and the result was Sir . . .

The Hon'ble the President : I deprecate personal remarks of that nature.

Thakur Giriraj Singh : Very well Sir. He deserved at least—in my opinion he was the best person

The Hon'ble the President : Order, order. I have already deprecated that and the honourable member is persisting.

Thakur Giriraj Singh : There is one thing more which I find and that is the difference in fees between the Lucknow and Allahabad Universities. The LL.B. tuition fee in Lucknow is Rs. 120 per annum, and that in Allahabad Rs. 135 per annum. I do not see why there is so much difference between these two Universities because both of them are Government Universities. I do not see, why, when fees have been reduced in other Universities such as the Benares University, they have not been also reduced in Allahabad so that poor boys can go and get their degrees there as they can in Benares.

I know of cases in which students could not go to the Allahabad University because they could not get sufficient money. When these scholarships, which were given to these poor boys, are stopped in the coming year 1932-33, how the guardians of these poor boys will be able to give them sufficient money to educate them. The parents of the boys, according to our Shastras, are always regarded as their enemies if they do not educate them. It is the primary duty of the guardians to educate their boys as much as lies in their power. By stopping these scholarships and by fixing some additional fees I think the authorities are making it difficult for these boys to get education. If the intention of the Government is simply to drive out those students, who are poor, out of the portals of the University, I hope those seats will be reserved for better men.

By stopping some of scholarships, by enhancing tuition and hostel fees poor students will suffer a lot. If it is true that colleges have been the nurseries of genius, one cannot but name this act of Government "Strangulation or infanticide of genius".

Kunwar Jagbhan Singh : Sir, I want to make a few observations under this head. I quite agree with my honourable friend Hafiz Hidayat Husain Sahib in this respect that research work is greatly suffering in almost all the Universities, and the idea underlying the residential Universities that there should be more contact between the students and the professors is not adhered to in the Allahabad University; students are not so free to mix with the professors, and, if I am not wrong, a very official type of atmosphere is maintained. If students are not to meet professors on equal terms in their social interviews this ideal of residential Universities cannot bear fruit. The chief aim in establishing residential Universities is to inculcate a spirit of comradery. But what has been happening in this University is that professors keep themselves quite aloof, and they do not think it proper to mix with these students and they put on superior airs.

To come to the next point, I submit that the establishment is very costly. I am not deprecating University education at all. But it is essential that University education and primary education should

[Kunwar Jagbhan Singh.]

go hand in hand; we cannot allow the one to go on at the expense of the other. But at the same time, I do hold that we are spending much money on University education without any good result, because, after all, very few Universities are producing those leaders of thought who really control the destinies of the country.

The chief aim is to secure some post and so the narrow vision which they acquire is always detrimental to the cause of nationalism and they have got a very peculiar notion about themselves and also they find themselves ill-adjusted to their homes where they are born. Therefore it is time that we cry a halt and we do make a reduction in the money for University education and the money which we get by that reduction should be diverted to the channel of primary education.

The Hon'ble the President: We are only concerned with the Allahabad University.

Kunwar Jagbhan Singh: I am touching on that University specially.

Therefore this is no time to increase the grant and I quite agree with my friend Khan Bahadur Hafiz Hidayat Husain that unless they show a good production we have no case for more grants.

Mr. A. H. Mackenzie: Mr. President, I have come to this rostrum not because I intend to make a long speech but because I think from this angle of vision the opposition look much more friendly than from the opposite benches. I shall deal one by one with the speeches that have been made. First of all my friend Munshi Gajadhar Prasad asked what the reasons are for the reductions in the grant of 1932-33 as compared with the grant of the previous year. There are two reasons for these reductions. First, the retrenchment made last year has been continued. The same figure for retrenchment has been taken in the budget year as in the current year. Secondly there has been a substantial reduction on account of the cut in the pay of staff, corresponding to the cut made in the pay of Government servants. As the Hon'ble the Minister pointed out in his opening speech, although these reductions are substantial Government believe that it will not be necessary for the University in consequence of them to curtail any useful activity. Then Munshi Gajadhar Prasad went on to criticise somewhat mildly the action taken by Government in appointing a small committee consisting of Messrs. Teyen and Harrop to examine University finances. I think that he misunderstood the intentions of Government in appointing that committee. That committee is merely what might be called a fact finding committee. It has had the co-operation of distinguished non-official educationists, the object in securing their co-operation being to ensure that no facts were put before the committee that might be misinterpreted by them to the detriment of the University. As the Hon'ble the Minister pointed out, it is not the intention of Government to take action on the recommendations of this committee without first consulting the University. I would remind honourable members that the procedure adopted by Government in this matter has had the full approval of the Retrenchment Committee.

Munshi Gajadhar Prasad : Who were the other members of this committee ?

Mr. A. H. Mackenzie : In Allahabad Sir Shah Muhammad Sulaiman, in Lucknow Mr. Justice Srivastava and in Agra Dr. Ganesh Prasad.

As I was saying, the procedure adopted by Government in this matter has had the full support of the Retrenchment Committee.

I now turn to the remarks made by Khan Bahadur Hafiz Hidayat Husain. He complains, and in his complaint he has been supported by Kunwar Jagbhan Singh, that in the Allahabad University there have been indiscriminate admissions and that the number of students enrolled is far in excess of the number to whom the university teachers can give individual attention. In this matter of admissions the university is in a somewhat difficult position. On the one hand, the university has ever increasing demands. It wants funds for these and the only expanding source of income is the fees. On the other hand, it has to endeavour to maintain its aims as a residential teaching university and to curtail admissions. It is not easy to effect a compromise between these two conflicting aims, and it is certainly a matter for consideration by the University of Allahabad, and indeed by other universities too, whether they have not gone too far in some of their classes by making admissions to such an extent that their educational purposes are defeated. The Khan Bahadur laid stress also on the need for research work. Here I think he was hardly fair to the Allahabad University. As Munshi Gajadhar Prasad pointed out in his speech, I praised the research work done by the Allahabad University in my annual report, and I think it is well known to members of this House that the research work done in that university in some of its departments has secured for the university a reputation even in western countries. My own opinion is that in the Allahabad University there is a good spirit amongst the staff and that the research work is very creditable to the professors and readers. The Khan Bahadur stressed also his desire to see work of a more practical nature done in the universities. I am not quite clear what he means by that, whether he wanted to see at Allahabad engineering shops or a weaving department or any other practical activity of that kind. In any case the Allahabad University is very strong on the science side, which I think is a very practical side. As I say, I am not quite clear what the Khan Bahadur meant by practical work : so I must pass on from that point.

Thakur Giriraj Singh complained of the salaries of university teachers or rather, I think, his point was that the salaries of teachers had not been reduced while on the other hand fees had been raised. If he will look at the budget he will find that there is a very large cut, amounting I think to about a lakh and a quarter, on account of reduction in the pay of teachers due to salary cuts. As regards the increase in fees, the Allahabad University has increased them, but has only brought them up to the level of the Lucknow University. My friend Shaikh Habibullah Sahib, I think, endorses that statement; but as I was somewhat doubtful whether he would be here to support me this morning, I took the precaution

[Mr. A. H. Mackenzie.]

to telephone to the Lucknow University, and they assured me that this was so. Scholarships, I think, also have been reduced in value; but I do not think that in the financial circumstances in which the university has found itself some reduction in the scholarships of large value was unjustified. I do not think that it requires Rs. 100 a month to maintain a student at the university.

I do not think I need refer at any length to what Kunwar Jagbhan Singh has said, as he enforces the remarks of Khan Bahadur Hafiz Hidayat Husain, and he has strengthened the hands of the department in taking action to ensure that the grants that are made to the university are spent as economically as possible. In fact, it is not possible for the Government to take any definite action in regard to universities beyond seeing that the grants made by the Government are spent economically. The universities are statutory autonomous bodies, and, therefore, it is not possible for Government to dictate to them in purely academic or administrative matters. All that the Government can do is to bring to the notice of the universities the views expressed by honourable members of this House. Government will take that action in the present case. A copy of the proceedings will be sent to the Vice-Chancellor of the Allahabad University and he will be asked to consider the various suggestions which have been made by honourable members.

Shaikh Muhammad Habibullah: May I ask a question? Is the honourable speaker a member of the executive council of the Allahabad University?

Mr. A. H. Mackenzie: No.

Shaikh Muhammad Habibullah: May I know from what source you have been able to ascertain the result of research work on the science side as Director of Public Instruction?

Mr. A. H. Mackenzie: I have been able to know this from the reports which I receive from the universities.

Shaikh Muhammad Habibullah: Have you?

The Hon'ble the President: I do not think that the question can be put to the honourable member directly. All questions should be addressed through the Chair and not direct to a member.

Shaikh Muhammad Habibullah: Has the honourable member received the reports of other universities?

Mr. A. H. Mackenzie: Yes. The Director of Public Instruction receives reports from all universities.

Shaikh Muhammad Habibullah: Does he examine them?

Mr. A. H. Mackenzie: Yes, he examines them very carefully.

The Hon'ble the President: I am afraid all these questions are not relevant to the matter under debate. It appears that the honourable member is driving at something else. That he can do later.

Munshi Gajadhar Prasad: Is it not possible for the Government to make the appointment of the Vice-Chancellor honorary?

THE BUDGET, 1932-33 : DISCUSSION OF DEMANDS FOR
GRANT NO. 7, HEAD 31.—EDUCATION.

The Hon'ble the President : It is under the Act. It is not possible for the Director of Public Instruction to reply to that question unless the Act is changed.

Will the Director kindly go to his seat ?

Shaikh Muhammad Habibullah : With your permission, Sir, may I just put one question ? What is the difference between the amount of grants for scholarships to the Lucknow and the Allahabad Universities.

Mr. A. H. Mackenzie : I cannot answer that off-hand. The Allahabad University has recently reduced the value of scholarships.

Shaikh Muhammad Habibullah : I want to know only the difference.

Mr. A. H. Mackenzie : I cannot answer that off-hand.

Munshi Gajadhar Prasad : Sir, my work concerning the replies has been considerably made lighter by the sympathetic attitude of the Director of Public Instruction. He has really answered some of the points raised in some of the speeches of the honourable members who followed me. Now, Sir, I believe from what has been said by the various honourable members of the House that a good case has been made out for the increase of the grant. There may be of course difficulties on account of financial stringency. That would be another matter. But allowing for all the complaints that have been made, for example research work as mentioned by my honourable friend, Khan Bahadur Hafiz Hidayat Husain—it must be realized that research work, particularly on the Science side, means a good deal of expenditure

The Hon'ble the President : Do I understand that the object of the mover originally was to elicit certain information and now he wants to convert his token cut into a different object.

The Hon'ble the Minister for Education : That is what he said.

The Hon'ble the President : The object in the beginning was to elicit information. He is now converting it into another thing. I will allow him to speak on the distinct understanding that it will not be put to the House.

Munshi Gajadhar Prasad : Sir, my only object was to elicit information. But from such information as was furnished it was found that as a matter of fact a case was made out for an additional grant. From the information furnished in the statement it was difficult to come to a definite conclusion whether a case for an additional grant could or could not be made out, more so in view of the present financial stringency.

The Hon'ble the President : This is exactly the danger of an honourable member making out one thing in his first speech and quite another in the second speech. I wish the honourable members to be very careful ; they should make out a considered case. If the object of the motion was to secure an additional grant that could be said in the beginning. What I understood was that the object was to elicit information and that information, I understand, has been elicited. Now he says that as a result of eliciting information he

[The Hon'ble the President.]

wants an additional grant. There is no question of as a result of eliciting information. An additional grant is always necessary for a university.

Munshi Gajadhar Prasad ! In this view of the matter, I would not press the motion.

The motion was, by leave, withdrawn.

***Rai Rajeshwar Bali** : I beg to move that under sub-head, University education, A.—Grants to universities, 2. Lucknow University, a reduction of Re. 1 be made.

The object of my motion is simply to discuss the question of economies which may be possible to effect in the Lucknow University particularly, and to discuss the general policy in regard to this matter. First of all I will ask the Government to let us know whether of the Rs. 62,000 which have been reduced in the block grant. . . .

The Hon'ble the President : Rupees 75,000.

Rai Rajeshwar Bali : As a matter of fact Rs. 75,000 has been deducted on account of the emergency cut. Over and above that Rs. 62,000 has been deducted. I will just make it clear. Last year the grant was Rs. 9,18,000 odd, this year it is Rs. 7,81,000, and if we add Rs. 75,000 (emergency cut) to Rs. 7,81,000, then we find that the grant is short as compared with last year by Rs. 62,000. Perhaps it is due to some revision in the block grant. Therefore, the point on which I want the Hon'ble the Minister to give us information is whether this Rs. 62,000 has been cut on the personnel of the university or in the matter of supplies and services. In other words whether this will effect the men engaged there or whether it will result in curtailing some of the activities of the university, for instance in the matter of more provision for library, laboratory apparatus and so on. If this sum has been deducted in the case of the latter, viz., in curtailing the useful activities of the university then I would certainly have to refer to this again when I have heard the reply of the Hon'ble the Minister and when I have received the details from the Government.

The second point to which I wish to refer in this connexion is whether in re-examination of the block grant sufficient attention has been given to some general principles which have been laid down by the Retrenchment Committee. I know that the 10 per cent. cut has been applied, but over and above the cut in salaries there were other recommendations made by the Retrenchment Committee. For instance in the matter of allowances, in the matter of deputation allowance and many other allowances which a Government servant draws. I wish to know whether any action, similar to that which has been taken or is being contemplated to be taken by the Government, in the matter of the examination of the allowances of Government servants, has also been taken by the university. I need not mention the fact that in the Lucknow University at least there are a large number of allowances and I hope that the Director of Public Instruction could not contest that proposition. If he refers to the budget of the Lucknow University, he will easily find that perhaps more allowances are paid to this university than those that are paid to

the university of Allahabad, and certainly when we are in hard times, we should look to that very carefully and find out whether a case can be made out for everyone of us. While on this point, I was really surprised to find—to take an individual case—that the Lucknow university paid to a certain officer in the medical branch an allowance as Provincial Pathologist. I could not know how the duties of the Provincial Pathologist come at all within the scope of the Lucknow university. If that allowance was to be paid it should have been paid by Government in the Medical department rather than that it should have been included in the block grant for the Lucknow university. Then, Sir, the Retrenchment Committee made certain recommendations in regard to the Education department that the holidays and vacations should be curtailed in order to effect economy. I do not know whether the Education department have considered this question seriously, and whether they consider that at least for some time and in the case of the universities it is possible to effect some retrenchments as a result of curtailing the holidays and the vacations. Well I do not know how far the complaint is justified that perhaps the university staff are not giving as much amount of their time to work in the class room as they ought to do. I do not wish in the least to impair the opportunities which they have got for research work. In fact I entirely agree with the Director of Public Instruction that they should be allowed to have sufficient time to do research work, but at the same time I believe this is also one of the questions which need looking into, whether we could not get them to do more work in the class room. Then, Sir, there is the old question of co-ordination. I know that several efforts in the past have been made in this direction but when we are so pressed financially, I think this question is one of those which needs seriously looking into. I do not wish to suggest that in matters like this the Government should take action by themselves alone. I do not wish to impair the autonomous character of the universities; but there is a feeling after all that we are perhaps spending a little too much on these universities, and perhaps it may be possible to get exactly similar if not better results with even a little curtailment in their budgets. I would suggest that the Government need not appoint a departmental committee like that which they did in the case of the Roorkee College, but I think it is time now when they should review the whole position and find out whether it is possible to effect economies in the university budgets. I do not say that economies may be effected in order that more funds may be available to the provincial exchequer—certainly not. But I hope that the Hon'ble Minister will agree with me that in spite of these activities there are a number of new activities for which money is needed and for which at least for some time to come it will be difficult to find money. Therefore, if by re-examination of the budgets and of the system it may be possible to effect economies in order that money may be available for spending on additional activities of the universities, I think it would be desirable to do so in the general interest.

Sir, I do not wish in the least, as I have made clear, to curtail the autonomous character of the universities. While I was in office I tried my best to maintain their autonomous character and I do not

Rai Rajeshwar Bali.]

wish to impair it now. But I believe that it may be possible to devise methods by which while the autonomous character may be maintained, the interest of the general tax payer to get the best value of the money which is spent on the universities may also be safeguarded. It is for this reason that I wish to throw out these suggestions for the consideration of the Government.

Shaikh Muhammad Habib-ullah: Sir, I am entirely in accord with the suggestion made by the honourable speaker that a committee may be appointed in order to vet the requirements of the university but not only to find out where economies are possible. The committee's work should not only be one to retrench, but it should also report where money is wanted which ought to be provided.

Now, Sir, we had instructions from Government to retrench in the beginning to the extent of 10 per cent. in all items of expenditure excluding salaries. We appointed a committee of our own and we made recommendations. Those recommendations were considered by our Executive Council. I think I will not be loyal to that body if I say to what extent our recommendations were accepted and to what extent they were not accepted, but I can only state the result that instead of being able to retrench Rs. 62,000 as desired by Government, we did to the extent of Rs. 42,000. My friend the mover of this resolution has said that he feels that there is room for further retrenchment in the direction of allowances, etc. The list of allowances is not a secret document. It can be found in the budget of the Lucknow university, and I have given one copy of it to the Director of Public Instruction. Of course, there should be a universal system of allowances both in the Allahabad and Lucknow universities. There is no doubt that there are certain allowances in the Lucknow university, which are not found in the Allahabad university, for instance, the Principal's allowance, the Dean's allowance. My own view has always been that the Principal, or the so-called Principal, plays no part in the academic constitution of the university under the Act, but here they are and they get their allowances which are of the nature of a part of their pay. In the same way we pay certain allowances to our Deans which the Allahabad university does not. It may be that our examination fees are lower than those of the Allahabad university—I speak subject to correction—or it may be that there are certain duties which are performed by the Deans in the Lucknow university, while no such duties are performed by the Deans in the Allahabad university. I assure the House that when the report of the proposed Fact Finding Committee is ready the Lucknow university will not leave any stone unturned to find out if there are any leakages, and will do its best to retrench as much as possible, but at the same time I bring to the notice of the House that no attempt should be made to curtail expenditure on any of the essentials of the university, viz. the staff, the equipment and the library. These are the three essentials without which no university can exist. I quite welcome any inquiry by any independent body into our figures in order to advise us or even to find out means by which leakages may be avoided in future so that the full income of the university may be utilized for necessary purposes.

Mr. E. Ahmad Shah : Sir, I wish to make one or two observations on the remarks of the honourable the mover of this resolution. My honourable colleague, Shaikh Muhammad Habibullah, has already replied to some of the points in connexion with the finances of the university. I shall take up the question of co-ordination which is left untouched. A suggestion has been made that a committee may be appointed to examine the various departments of the university with a view either to narrow them down or to abolish some of them, so that work may be carried on in conjunction with other sister universities in the provinces. I remember, Sir, that some years ago a committee was appointed, consisting of the Vice-Chancellors of all the universities in the province. The committee came to the conclusion that it was not possible to narrow down the activities of any department of the university if the aims and ideals of residential universities are to be kept up. Sir, I would like to say that there is not a single department on the Arts side or on the science side which can be curtailed. Liberal education consists in studies of those subjects known as "Humanities". Literature, History, Philosophy, Economics classes form the main group of subjects. In the two leading universities of England, viz., Oxford and Cambridge, Honours schools are constituted, grouping these subjects under different heads. Not a single subject from amongst these can be eliminated. All of these are essential subjects. They are grouped in various combinations so as to present a useful combination for the development of theoretical as well as practical aspect of education and with a view to develop character. Therefore, if co-ordination implies closing down of any department in any one of the universities, I can say very definitely that we shall be defeating the very aims and ideals for which university education stands. A few years ago, before the Lucknow university was established, the people of Oudh felt that the time had come to create a university at Lucknow. A committee was appointed. It went into the details of university establishment. It was agreed that the departments that now exist were the minimum essentials of a university. Therefore I would like to suggest that, if co-ordination is aimed at, no department of the university should be closed down. On the other hand the aim should be to see in what manner the existing departments can be strengthened so that the ideals for which the university stands be achieved.

It is suggested that a Co-ordination Committee of non-university men be appointed. I would like to point out that if a committee is appointed consisting of outsiders, they will not be familiar with the internal administration and requirements of the university, and as such will not be able to do justice to the case. They will be open to the same objection as are levelled against the present Teyen and Harrop Committee appointed by the Government. Representatives of the Allahabad and Lucknow universities ought to be on the committee so that they may suggest the best ways and means of co-ordination and give them all the help that they want.

Internal members of the university will be an invaluable asset to the committee, they will give all the necessary information, thus making the work of co-ordination effective and acceptable to all concerned.

Mr. E. Ahmad Shah.]

Sir, there was another remark made by the mover of the motion, namely that holidays may be curtailed, and thus bring about retrenchment. I wish the mover had indicated in what manner retrenchment could be effected by curtailing the holidays. If he meant that the university should remain open for more than nine months, then it would bring an additional burden on the students. They will have to pay fees for the extra months. But surely this will be resented and the public will have a grievance against the universities. I may also state that holidays that are now given in our universities are in no way more than holidays given in the universities in the West. The long span of summer vacations corresponds to a same long span in other universities in the West. In addition to that they have almost a month between each of the three terms during the year. I know that in our country a number of other holidays are observed. But no one can help it, because of the religious-mindedness of our countrymen. We have to give certain holidays that are demanded as essential religious holidays. Therefore, if we keep in view the total number of working days in an Indian university, then they are in no manner less than the working days of other universities in the West.

I do not want to add much to the subject of retrenchment in universities. My honourable friend who has just preceded me has said that the Lucknow university has already retrenched to the extent of Rs. 1,37,000. This is more than what has been done in the Allahabad university. The cut which was made last year did not effect the pay of teachers, but it was applied on all those possible expenses of the universities which could be retrenched under the circumstances.

I may say that if further retrenchment is made, it will impair the efficient running of the university. It is hoped, as already announced by Government, that this cut is only for the present year and the next financial year. All this has been done only in view of the financial stringency we are facing at the present times and it is hoped that with better days the finances of the province will develop and the cut which has been effected will be restored, thus enabling the universities and their departments to run as efficiently as they were running before. With these few remarks I take my seat.

Mr. A. H. Mackenzie : I rise to give certain information. Points which touch questions of policy will be dealt with by the Hon'ble the Minister. My friend Rai Rajeshwar Bali Sahib asked what was the nature of the reduction made in the university grant excluding the reduction made on account of cut in pay. The reduction amounts to 20 per cent. of the university budget excluding expenditure on scholarships, salaries and provident fund. That retrenchment I may say was approved by the Retrenchment Committee.

The second point on which my honourable friend asked for information was in regard to allowances. As he has pointed out, there are a large number of these allowances. The university has already retrenched three small allowances and the view of Government is that

by the lever of the block grant the university will be required to retrench other allowances on the same principles as retrenchment is made in regard to allowances drawn by Government servants. What that principle is the Hon'ble the Minister will no doubt explain.

The Hon'ble the Minister for Education : The Director of Public Instruction who has just spoken has told the House as to why this cut of Rs. 62,000 was made. I do not need to dilate on that point. He was speaking about the question of special allowances to university professors. The view of Government is that allowances are a part of the salary of a person who was appointed on a definite understanding that he would get the salary plus the allowance. So that we hold that we will not be right in touching the allowances in the case of those who are already getting them. Of course in the case of new entrants allowances can be reduced and will be scrutinized from that point of view.

As regards holidays, I am entirely at one with the mover of this cut in what he says as to their superfluity, but in a country like this it is very difficult to touch them. We have the summer vacation which is due to definite weather conditions. As regards religious holidays, we can hardly touch them. Any how we will examine them, and if something can be done it will be done—I am entirely at one with him there.

As regards co-ordination of the activities of the different universities, my friend knows that he tackled the question when he was Minister of Education and, if I may be permitted to say so, he failed.

Rai Rajeshwar Bali : I myself admitted it.

The Hon'ble the Minister for Education : I am glad. He appointed a committee which consisted of representatives of all universities and ended by recommending that no department of any university could be shut down and that further departments were wanted. I have seen the word "Deposit" written on the file after my honourable friend had kept it with him for six months.

The Hon'ble the President : That is divulging a secret.

The Hon'ble the Minister for Education : It is perhaps a secret, Sir, but do not mind letting it out in this case.

We are pursuing the same question—it is a very thorny one—and when we have the facts which the Committee of Messrs. Teyen and Harrop will give us we will see what has to be done. We may then want the co-operation of the universities on particular matters, and we may then see a way out.

Just now, as the representatives of the Indian Christian community said, it is not possible to curtail the activities of any university. That is the view which of course holds with all these universities. Government cannot dictate to the universities and ask them to shut down this department or that. They can only get at them through the lever of the block grant. The entire question will be examined by us, and I am very glad that the mover of the cut has raised it.

Rai Rajeshwar Bali : Sir, I will take up the question of co-ordination first. I wish to remind the Hon'ble the Minister that when I made that statement I myself said that attempts were made in the past and that they had failed; but that does not mean that fresh attempts should not be made.

The Hon'ble the Minister for Education : We are making.

Rai Rajeshwar Bali : He may be more successful than we have been. Secondly, financial stringency was not so insistent in those days than what it is now; therefore, there is all the more reason why we should tackle the problem seriously now. In this connexion I might mention one thing. One of the reasons for our failure was that we had on that committee only the representatives of various universities and naturally every university wanted to keep everything it could.

I do not suggest that the Government should force anything on these universities, but if they really mean to tackle this problem I would suggest that they should make an attempt to mobilize non-official opinion in this matter and if the non-official opinion of the province supports the Government in this matter perhaps it may be more easy to effect economies in the universities than otherwise. I won't leave it to the Committee of Messrs. Teyen and Harrop alone. That would be really encroaching on the autonomy of the universities.

The Hon'ble the Minister for Education : It is not the intention. It won't be left to them alone.

Rai Rajeshwar Bali : But if the Hon'ble the Minister can, as I suggest, mobilize non-official opinion which may not consist of interested parties alone then I think it may be possible to take some action which would result in these economies and through this agency, I believe, he would be able to effect economies not only in the matter of co-ordination but also in other matters to which I referred. The university people themselves would naturally not like to have these things done but in the interests of the province if we find that certain economies are essential and desirable we should effect them. I was rather surprised to hear one remark made by the Hon'ble the Minister as regards the allowances. He said that they are part of the salary of a person who was appointed on the definite understanding that these allowances would be given. Sir, that same argument can be advanced in the case of Government servants and we have heard that argument advanced on more than one occasion when it was said that it means a prospective loss. Sir, how long are we going to take this argument into serious consideration? If we want economies we shall have to face the problem. There are these salaries and there are these allowances, and if on merits the allowances cannot be defended then we have to do away with them. Therefore, Sir, I do not agree with this plea of the Hon'ble the Minister that they form a sort of contract. Then, Sir, in the case of Deans I wish to remind the Hon'ble the Minister that they are elected, they are not appointed and, therefore, these people cannot claim that the allowances are part of their salaries. I believe the same is the case with Principals. They too are not directly appointed but they are promoted or elected. Therefore, it cannot be said that in their case these allowances form part of their salaries. At any rate these allowances have to be

considered, each one of them on its own merits, and I hope that the general principle which the Government have accepted in the case of their own servants will be applied to these universities. The Hon'ble Minister said that it is not possible to reduce the number of holidays. Some of them are religious holidays and the long vacation is the result of weather conditions. Well, let us take the case of the long vacation. Does the university give the long vacation now to the same extent as it used to do, say, 20 years back?

The Hon'ble the Minister for Education : Weather conditions have improved perhaps.

Rai Rajeshwar Bali : If they have improved the vacation ought to be decreased but the case is just the reverse. The length of the vacation has increased as a matter of fact from what it was, say, 20 years ago. Therefore, I do not think that he can treat this question so lightly.

Then, Sir, as regards the 20 per cent. cut to which the Director of Public Instruction referred, I have not been able to find from the report of the Retrenchment Committee whether the committee had agreed that this cut should come out of the university funds minus the money for scholarships, salaries and provident fund. Certainly we wished that some cut be made in the university budget but we never wanted that it should be so made as to affect the beneficent activities of the universities. In other words, if the salaries which form a major portion of the expenditure of the universities remain at the present figure, the result would be that other beneficial activities of the universities will be affected. Therefore, what I wish to impress upon the House is that in making the 20 per cent. cut from the university grant, the question of reducing the salaries and allowances should receive due consideration.

Lastly I wish to make it perfectly clear that when I ask for a cut in the university budget I do not want that the money so saved may be spent on other departments of the local Government. What I submit is that the money so saved may be expended on advancing the other activities of the universities, as I believe that for some time to come it would be as difficult for Government to make additional grants to the universities as it would be for private individuals to make contributions. Therefore, the only way how the work of the universities can advance is by reviewing their entire expenditure. In making this suggestion I do not want to infringe on the autonomous character of the universities, but certainly the tax payer is entitled to see that he gets the most value for the money he spends on the universities. Any way I do not want to press the motion to a division.

The Hon'ble the Minister for Education : I rise just for a minute to assure the honourable mover that I accept his recommendation with regard to associating persons not belonging to the universities in the work of co-ordination of the universities. This Sir, is a very good suggestion and indeed this is what we intended doing ourselves, after we got the necessary data.

Rai Rajeshwar Bali : I want certain non-officials besides,

The Hon'ble the Minister for Education : We will look into the matter. We certainly do not want the committee to be a one-sided committee. A committee of that kind would reach no conclusions. I shall certainly consult the honourable mover before I proceed in the matter.

As regards the 20 per cent. cut, it was a case of needs must. We had to find the money, and that seemed to us to be the best way of making a cut. We left it to the universities to find the money from wherever they could. We did not indicate to them as to where the savings had to come from.

Rai Rajeshwar Bali : Will the Government suggest that it should not relate to scholarships and that it relates to salaries and allowances definitely ?

The Hon'ble the Minister for Education : Yes. But that was because the cut of salaries was coming on later. We had expressly taken out the item of salaries.

Then there is the question of allowances to which my friend has referred. The entire question of policy to be followed in respect of allowances has recently been gone into by Government, and I undertake to consider every case of the university when we are examining individual cases.

The motion was, by leave, withdrawn.

Kunwar Jagbhan Singh : I beg to move that under sub-head University education, A—Grants to universities, 3—Agra university, a reduction of Re. 1 be made.

If we look at page 43 of the budget, we find that there has been no reduction made in the grant of the Agra university. It was Rs. 43,500 for the year 1930-31 and also for the current year, and is the same for the budget year. If I remember aright, when discussions on the Agra university Bill took place, a definite assurance was given by the Hon'ble the Minister that the university would be self-sufficing and that there would be no necessity of any grant for that university. On the other hand, we find that there has been no reduction made in the grants of this university, whereas there has been a reduction in the grants of almost all the other universities. Therefore it is high time that the Government must know the financial situation of the Agra university and try to find out why no reduction has been made in its grant.

Mr. A. H. Mackenzie : Mr. President, it is true that when the Agra university was established, the Government said that they did not think that the university would cost Government anything. This figure of Rs. 43,500 includes a substantial sum of about Rs. 15,000 which was cut from budget of the Allahabad university when the Agra university was established. The balance is the expenditure which is required for the administration of the university, and personally I think that if the Allahabad university had continued to retain its external side, its expenditure would have increased on account of the external side to very near to what this figure is. It is a non-recurring figure. It is not a recurring grant; and the reason why the Government have kept it as a non-recurring sum is that they

do not wish to commit themselves to giving the Agra university a larger recurring sum than will be absolutely necessary to enable them to carry on. The way in which the present grant has been fixed is as follows:—

The Government have received the budget of the university, they have carefully scrutinized the income and expenditure sides, they have cut down expenditure wherever they thought that it was excessive, they have assumed a higher income wherever they thought higher income could be developed; and this sum is as a matter of fact less than the amount which the university says it requires in order to make ends meet. The Government hope that by further economies the university will be able to carry on with this sum, but it is the very minimum required to maintain the university.

The motion was, by leave, withdrawn.

Thakur Giriraj Singh: Sir, I beg to move that under sub-head University education, A—Grants to universities, a reduction of Re. 1 be made. I want to elicit information about two matters. (1) What is the reason that there is no uniformity in the scale of fees in both the universities of Lucknow and Allahabad? I shall just mention before the House that there is no uniformity. In the Lucknow University the tuition fee (annual) for B. Sc. is Rs. 126, while in the Allahabad university it is Rs. 108. In Lucknow the tuition fee for M. Sc. is Rs. 150, while in Allahabad it is Rs. 135. In Lucknow science research fee is Rs. 225, while in Allahabad it is Rs. 120 only. B.Sc. and M.Sc. caution fee is Rs. 25 as against Rs. 15 in Allahabad. The enrolment fee in Lucknow is Rs. 12, while admission and registration fee in Allahabad is Rs. 5. (2) There is one other thing about which I want information. It is as to why LL.B. students, who take their degree from the Allahabad university, are not accommodated in the University Hostels. If I remember aright, I put a question in this very Council—"Is it a fact that some of the LL.B. students, who took their degrees from the Allahabad university were not accommodated in the University Hostel while there were seats and that 3rd year and 4th year students were accommodated?" The reply was—"Yes," I never expected such a reply from the Government side. I want information about these two matters.

Mr. Brijnandan Lal: Sir, as a product of one of the universities of these provinces I consider it my duty to draw the attention of the Government to the disgraceful state of affairs in the matter of marking of examination papers of the university examinations. In view of the coming examinations I hope that the Government will pay immediate attention to the matter. There are examiners who are marking as many as 6,000 and 7,000 papers during their vacations. These examiners who accept the responsibility of marking an enormous number of papers, finding the task beyond them, entrust some of the work to their incompetent juniors. By this means a single examiner may earn Rs. 8,000 to 10,000 in a year in addition to his salary as a professor or lecturer. At the last meeting of the senate of the Agra university an attempt was made to rectify this state of affairs.

Mr. Brijnandan Lal.]

The Executive Council had passed a resolution containing the following two provisions :—

“ Provided that in all examinations taken together no person shall be appointed examiner in more than two written papers, in more than one *viva voce* and in more than two practical examinations.

And further that no examiner shall value more than 400 answer books in a single paper and more than 500 answer books in all”.

It was pointed out that these two provisos failed to achieve the very object for which they were framed, inasmuch as it was possible for an examiner in one university to take up examination papers in many other bodies and not only in one or two intermediate boards. The universities demand a certificate from the examiners that all the papers have actually been examined and marked by them only. But these certificates are signed with a complete lack of scruples by many examiners.

Another charge levelled at the universities is that the authorities of these. . . .

Mr. V. N. Mehta : Is the honourable member speaking from personal knowledge or hearsay ?

Mr. Brijnandal Lal : I have got some personal knowledge. I know of one case of the Allahabad university in which a student applied for the re-examination of his papers and he passed, although he had been failed before. I can name the student if the Government benches want it.

Mr. V. N. Mehta : I emphasise this point because it is a very serious aspersion to make against examiners that they have been marking papers when they have not actually done so. I want to know if the honourable member has personal knowledge of the fact.

Mr. Brijnandan Lal : As good as personal knowledge. I realize the gravity of it and I ask the Government to remedy it. If I had not realized the gravity of it I would not speak about it on the floor of the House.

Another charge levelled authoritatively against certain members of the university is that arrangement is frequently made between the authorities of two universities whereby one university sends to the other a certain number of papers and receives a certain number in return; thus ignoring the possibility of want of sufficient qualified men in one or the other university certain individuals have succeeded in monopolising most of the papers. It is high time that some steps were taken to prevent this deterioration of the standard of examination. There are actual instances on record in which incorrect papers have been awarded full marks and correct papers failed. I do not blame the Government for this because the universities are autonomous bodies, but I do ask the Government to see that the matter is set right as it supplies a large amount of public funds to these universities.

Mr. A. H. Mackenzie : Thakur Giriraj Singh asked for information on two points. First of all he wanted to know why there was not uniformity in regard to the fees charged by universities. Each

university has independent powers in the matter of fees, but the Government when fixing the block grants of the universities take into account, for the purposes of assuming what the income of the university should be, what they consider would be reasonable fees and thus indirectly they try to secure uniformity in the matter of fees. Moreover, the Vice-Chancellors of the universities, I understand, are informally taking separate action in this matter. I understand that they are meeting to discuss the question as to the extent to which there could be uniformity in such charges as travelling allowances and fees of students.

His second point was with regard to accommodation for LL.B. students. The reason why the university has not been able to provide accommodation for these students is simply that sufficient accommodation is not available. It is for the university to say what class of students should benefit from the accommodation that it has, and if the university decides that M.A. students should have preference to the accommodation available in a particular hostel, then this is a matter with which neither the Government nor any other external authority can interfere. I would suggest to the honourable member that if he has any grievance about this matter the proper course would be to raise it in the Court of the Allahabad university.

Now I come to the remarks of Mr. Brijnandan Lal. I think there is no doubt that his observations are based on certain articles that appeared in the *Pioneer* newspaper of a few days ago. I have read these articles. They in turn were based on the minutes of a meeting of the Senate of the Agra university which was held on November 20, 1931. At that meeting, the university had under consideration certain statutes which were passed by the Executive Council. The object of these statutes was to restrict the amount of examining work which could be undertaken by a particular examiner. Some members of the Senate thought that the statutes did not go far enough. Their main point was that while the statutes limited the amount of work which an individual could undertake for the Agra university, it might still be possible for a particular examiner to undertake for other examining bodies a considerable amount of work, so much work that his efficiency as an examiner of the Agra university would be considerably reduced and injustice might be done to students by an examiner undertaking to correct far more papers than he could do carefully in the time available. In order to make this point, some members of the Senate quoted instances of cases where they thought that particular examiners had not shown a sufficient sense of responsibility. In commenting on those statements, the *Pioneer* in its article a few days ago, said "it has been revealed by the proceedings of the Senate of the University of Agra that most of the examination papers of our learned bodies are in the hands of a number of distinctly greedy individuals who take as many as 10 sets of papers for marking and earn as much as four, five, eight and even ten thousand rupees in two or three months by this means."

That statement is a gross exaggeration of the facts. As I said, it was based on the minutes of the meeting of the Senate. I have got a copy of the minutes here, and the gentleman, who made the statements on which that article is based, at a further stage in the

Mr. A. H. Mackenzie.]

proceedings, when he was challenged about his statements, said: "I referred to some exceptional cases." I think it is important that that qualification should be noted. The statements were regarding exceptional cases, and they do not reveal that there has been anything in the way of a general scandal in the university. I have in the short time available, since that article was published, made enquiries from the three provincial universities as to the amount of remuneration which examiners can earn. The Vice-Chancellor of the Lucknow university says that the highest amount paid by the Lucknow university to any examiner in the university in the various Faculties during the year 1931 was as follows:—

			Rs.
Faculty of Arts	..	..	455
„ of Science	..	..	160
„ of Medicine	..	..	371
„ of Law	..	..	383
„ of Commerce	..	..	72

The Vice-Chancellor of the Allahabad university says: "At Allahabad it is not possible for any man to earn more than about Rs. 500 from examinerships". And the Vice-Chancellor of the Agra university says: "So far as the university of Agra is concerned, no one will set more than two papers, examine more than 400 copies in a single paper and more than 500 books in all".

It will be seen, therefore, that the statement, applied to examiners generally, is very much exaggerated. But there is no doubt that the complaint of Mr. Brijnandan Lal is correct to this extent as recognized by the Agra University itself—that there is no means at present of checking the amount of work which an examiner can undertake for various examining bodies and the Vice-Chancellor of the Agra university himself, while urging the Senate to pass the statutes, which were placed before the Senate, said that those statutes only went a certain distance in the direction desired. He said "I suggest that we adopt the statutes as they come from the Executive Council and later when we find that there is some difficulty or some improvement which can be proposed, we shall meet next year and we can make further amendments". In a letter to me he says that the new statutes will check the evil to some extent, but more could be done if some means were devised whereby the examining agencies—boards and universities—could secure a list of examiners from other universities and make payments in the light of information that is secured. I think this is a suggestion of which Mr. Brijnandan Lal would approve and what will be done in this case is that a copy of the proceedings will be sent to the universities and they will be asked to consider whether they could not do more than they have done in the direction suggested by the Vice-Chancellor of the Agra university.

Thakur Giriraj Singh: I am not satisfied with the reply of the Director of Public Instruction to the second query. Sir, the reply given was something like this "lack of accommodation". I have already submitted before this House that there was accommodation available in the hostel and that some of the students were not

allowed, while some students, who applied later, were allowed. Then, Sir, I inquired whether the University School of Law at Allahabad was not a part of the Allahabad University. Nothing has been said on that point.

Mr. A. H. Mackenzie : I am not quite clear, Sir, as to what it is that the honourable member wants. I shall, however, endeavour to find out all the facts and give them to him. I hope that will satisfy him. I shall obtain for him full information.

Thakur Giriraj Singh : In the circumstances I beg to withdraw my motion.

The motion was, by leave, withdrawn.

Khan Bahadur Maulvi Fasih-ud-din : Sir, I beg to move that under sub-head A—Grants to universities, a reduction of Re. 1 be made.

My object in moving this cut is to ask the Government to impress on the universities in this province the urgent necessity of altering their scheme of education in such a way as to enable their products successfully to fight out the battle of life.

It goes without saying that the graduates of the universities are suffering very keenly from the chronic disease of unemployment. They find their life intolerable; they are a burden on their parents and on the society in which they happen to move. They are unable to earn even as much as would enable them to keep their body and soul together. It is within the knowledge of many of us that it is more difficult to get a mechanic or a painter or an artisan, illiterate though he may be, on a post of Rs. 40 a month, but it is easier to get a graduate on a post of Rs. 30 or even Rs. 25 a month. All these five universities of the province are turning out graduates not only in hundreds but in thousands and there is absolutely no arrangement in these universities for giving them such education as would enable them to go through the struggle of life.

Sir, I remember that a farce was played on the stage of a theatre in which an agent of the prince of an Indian State went to the office of an agency for procuring servants. He said to the manager that he wanted 75 syces and 40 coachmen on a pay of Rs. 12 and Rs. 18 respectively. The manager began to hesitate and a colour came on his face. He put on his spectacles like a sceptic philosopher and began to ponder over his list. Subsequently he muttered out that no such man was available in his list on such a pay. The agent at once cried out "Give me the list of graduates and I will find out double the number". That is the real state of affairs in our province at least.

When Lord Macaulay started the scheme of English education, he started with the avowed object of producing clerks for the convenience of the East India Company, but I am sorry to say that in spite of the fact that we are living at the fag end of the first half of twentieth century the universities still continue to live during the eighteenth century. The universities have got a proverbial reputation for being conservatives but conservatism has its limits. We cannot certainly go on teaching these boys humanitarian subjects, the term which was used by my friend Mr. Ahmad Shah this morning. We cannot for all time to come produce graduates who are a danger to society and a

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danger to the Government. History tells us that big and strong kingdoms have been upset in no length of time on account of the question of increased unemployment and specially unemployment amongst the educated classes and if the Government has now to meet with political troubles, it has to thank itself for the system of education which is being imparted in these universities. Sir, my honourable friend Khan Bahadur Hafiz Hidayat Husain Sahib, who is a very experienced and able member of this Council just remarked half an hour ago that the Allahabad university was not giving practical education so as to fit the graduates for a struggle in life. Our friend, Mr. Mackenzie, the Director of Public Instruction belittled that remark by humorously remarking that the Allahabad University was not going to start an engineer's shop.

Mr. A. H. Mackenzie: Sir, I may correct the impression that my honourable friend has got. It was not my intention to belittle what Khan Bahadur Hafiz Hidayat Husain said. I would be the very last man in the world to belittle anything that he said. I merely asked for further information as to what was meant by practical education.

Khan Bahadur Maulvi Fasih-ud-din: His intention was the same as I am expressing now. The matter is really serious and it requires the deepest attention of those who are interested in the welfare of India. If we have at all a gleam of patriotism in our hearts and if we entertain love for this country and for our countrymen, it is up to us to come out with a bold scheme of thoroughly overhauling the present out of date system of education that is prevailing in the universities. It is for this reason that I beg to move this cut of mine. The honourable the Director of Public Instruction says that the committee which has been formed to investigate into the affairs of the Allahabad university is a fact finding committee. I should lay this fact before that committee, if it has not found it out already, if it has not discovered that the graduates of not only the Allahabad university but of all the other four universities of these provinces are on the brink of starvation, at least many of them, then it is up to that committee to come to a solution of this most knotty and intricate question. My own suggestion about the solution of this question is that each university should have two compartments. I mean one section should have a purely literary bias and that section should be a small one which should be for those who want to enter into the educational services or who read literature and science for the love of those subjects. The other section should be a much bigger one and it should have essentially an industrial bias. I believe that such a section does exist in the universities of Germany and other advanced European countries and there is no reason why we should not imitate the system that prevails there. It might be said that I am putting up before this honourable House fantastic plans and fantastic suggestions, but I assure this honourable House that I do so not with a view to pose as a great schemer, or a great thinker. I do so because I feel over the degradation towards which we are running fast over the depravity to which India is drifting, and over the

future dark atmosphere that is before our eyes. We have to do something in this connexion, we have to take bold action. A hesitating and half-hearted action is not needed at this juncture. We have not to wait for a minute, we have not to wait for the times when it will be too late for us to say that we have committed a mistake and that we have not taken time by the forelock. There is yet time for us to cry a halt in our policy of education in these provinces, and to see if we can do something in order to enable our youths to learn in such a way as to fit them for the keen struggle of life which is becoming keener and keener every day.

M. Nisar Ullah: Sir, the token cut just moved by Khan Bahadur Maulvi Fasih-ud-din was not meant to elicit any particular information from the Government. It involved a greater issue. The question of overhauling the system of education imparted in our universities at present is a very serious and difficult question. As has just been pointed out, the present condition of unemployment, increased unemployment and ever increasing unemployment, is the direct result of the system of education imparted in our universities. You can just imagine that the expenses which are incurred in the education of students are much higher than the return they get when their education is finished. I will state here and perhaps most of the honourable members of this House must be knowing that about two years ago there was an unemployment committee formed to find out the condition of unemployment and as a matter of test—a test case it was—they advertised for a post on Rs. 35 a month. They received something like 666 applications out of which there were no less than 91 from graduates. You can imagine that a graduate wants even a post on Rs. 35 a month. And what we spend at present? It is something like fifty or sixty rupees a month if we send a student to a residential university. What is the reason of this? The reason of this is that our system of education is very faulty and defective. As has just been remarked the Universities which were formed in the 19th century they were meant for producing clerks (*Mr. V. N. Mehta, question*) they were clerk-producing factories and not universities. I think, Sir, that the universities which were formed in 1839—the three universities of Bombay, Madras and Bengal—all of them were meant only to produce clerks who could not be imported from the United Kingdom. That was the reason why these universities were started, and the present universities are more or less continuing on the same basis. Recently, during the last quarter of a century, in Scotland, in America and on the Continent, the system of education has entirely changed. You will find there that students are admitted into the schools up to the age of ten—they are admitted into the primary classes—and from the age of 10 to 14 they are given particular lessons in the different professions in which they are being brought up, and from the age of 14 they have to adopt a very different line of education. I have got no accurate information as to the system carried on in those countries, but I know that that is the system which is suited to the present requirements here also and not the one which we are carrying on at present. I may point out that the result of this unemployment among the educated classes is that we

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find the bomb cult and terrorist activities daily increasing; they are increasing on account of this faulty system of education. Take a country like Japan—it is an eastern country after all. It was a purely agricultural country some 40 or 50 years ago, but it has been transformed into a manufacturing country during the last 40 years. India is an agricultural country, and the people therefore fall to agriculture, and they have got no other source of employment. The entire reason underlying this system of education is that we are not given proper education on technical lines. On account of this faulty education we are not thriving in industries and in manufactures. The reason is quite plain. If this country succeeds in becoming a manufacturing country how can this 70 per cent. of the products of the United Kingdom, which are imported into this country, continue to find such an easy market. That is the pure and simple reason. It is for us to sit down and find out what should be the system of education and what should be our future programme. But the thing is, that education, although a transferred subject, is controlled under a system of dyarchy, and unless this system is done away with there is no hope for our future as regards our education.

Rai Bahadur Babu Avadh Behari Lal: Sir, I entirely associate myself with what my friend the mover of this motion has said about the university education. I do not quite agree that the university education is to be discarded altogether. There can be no country which can improve without universities for imparting knowledge in sciences and in other branches of learning. That is essential but then the ideal which universities should keep before themselves is to turn out accomplished men who can carve out their way in the world and carve out the way for others to follow. That ideal they are not accomplishing now. If the original object of founding these universities was that they were merely to turn out clerks, I think they have overdone that to a very great extent. The universities must now be regarded as centres for imparting highest knowledge in all branches to those who have got the leisure and who have got the means to carry it to that extent. To think the notion that the universities are meant for turning out clerks is a wrong idea. As unemployment has increased and as the universities do not bring us employment they have ceased to have the same value as they used to have in years past. The unemployment of educated classes is one of the very greatest problems of the day and it is true that universities cannot solve it. There are other avenues to be sought and to be worked out and in the whole scheme universities play a smaller part—smaller than they used to play in times past. Industrialization and education in industries is one very essential thing to be paid attention to. It is our good fortune that the Minister for Education is also the Minister in charge of Industries. We had very great hopes that under the British rule India would make great progress in industrialization and that best brains will be employed in starting and in developing industries in this country but it is very disappointing that good progress has not been made in that line. Still we have some colleges; for example the Roorkee College of Engineering, and some universities, like the Benares university which have taken to training men in Mechanical Engineering and Electrical Engineering. Industries department has

started schools for training men in certain hand work. These schools have to be multiplied and universities have to be formed to impart practical education on industrial lines. I have long been contemplating that such a university could well be started possibly at Cawnpore where there is an agricultural college and a technological institute and which thus affords many facilities for a university of this type where applied sciences could be taught and education given in branches which help industries. Well, that is a line to be worked out and I have great hopes that our present Minister for Education will make good progress on that side. Universities have still to be kept up for the learning of sciences and other knowledge but they must play a smaller part in the entire scheme of education in this country.

Then, Sir, several honourable members complained that the universities were not receiving sufficient grants. Here I should like to point out that the grants to universities should be compared with the grants made to primary education, secondary education and technical education, and if this comparison is done, it will be found that the Universities occupy a more prominent position in the scheme of education than they should. It is not my proposition to take away money from the university grants to help in the advancement of technical education. Other means should be found for this. This is all that I wished to submit on this motion.

***Hafiz Muhammad Ibrahim :** If I rise to speak on the motion before the House it is with the object of laying more emphasis on the purpose which has been put before the House by the honourable mover in making his motion. The object is that the education imparted in universities should be such as may help the students in their after-life in the professions to which they go. That, Sir, is a laudable object. But it has been said that this object is not present before the universities. When, however, I say that the fault in this matter is not of the universities, I do not mean that the education imparted in them should not be such as would make the students more suitable for the professions which they wish to follow in their after careers. It is wrong to say that as our universities are imparting an education which is divorced from the present needs of the country, there is unemployment. The cause for unemployment is something else. The remedy for this lies in the fact that we should be able to create and to develop industries in our own country. Unless and until we have got a very good industrial system in our country it is no use giving our boys any industrial education either in schools or in universities or anywhere else. Sir, one of the supporters of the motion said that our universities are not imparting technical education. That is true, Sir ; but I will remind the House that technical education by itself cannot create industries. We may impart any education in universities, we may open as many technical schools as we like ; but until we free our markets from foreign competition and give a free exercise and free way to the products that will be prepared by our countrymen, there can be no improvement in any industry and no industry created by us can thrive. So, Sir, as far as the question of unemployment is concerned, as far as those purposes which have

* Speech not revised by the honourable member.

[Hafiz Muhammad Ibrahim.]

been mentioned in this connection are concerned, I submit that our universities cannot be blamed to that extent to which they are being blamed. Having this opinion I too join cause with the honourable mover and submit that it is a fact that even to that limited scope which is before us our university education is faulty in this respect. Sir, there is an Urdu proverb, which says :

”پڑھیں فارسی بیچیں تیل - یہہہ دیکھو قدرت کے کھیل“

There are M.Sc.s. and B.Sc.s. who are practising as pleaders, as vakils and advocates. Look here, Sir, what had they read in the university and what are they doing in their present life. There are graduates of science who have entered departments of Government which have no connection whatsoever with what they learnt when they were in the university. What should be the character of the education imparted in universities I will presently submit. The committee which was formed by the Government to find out the causes of unemployment said something about the character of the education that should be imparted in the universities; and I submit, Sir, that to that view of the committee our honourable Director of Public Instruction also contributed. He was a member of that committee; and the committee clearly said that it cannot be denied that our educational system as followed in the past and possibly is still being followed gives a distinct bias in favour of clerical employment and that the home environment of students tends to the same effect. Further on they say that men who pass university degrees lack the ability to think for themselves, to exercise initiative and to apply in practice the knowledge which they acquired for the purpose of passing examinations. That is a verdict passed by the Hon'ble Director of Public Instruction against the education that is being imparted in our universities. So, Sir, when the Head of the Education department of these provinces himself contributes to that view, I think there can be no difficulty in impressing upon the Government the need of the object of the honourable mover. I hope that for future at least such a programme of education for this province will be prepared which as far as possible may bear some relation to those professions and to those ways of life which will be led by those persons who will receive that education.

At this stage the Council adjourned at 1:30 p.m. for lunch till 2:15 p.m.

After the recess the Council reassembled at 2:15 p.m. with the Deputy President in the Chair.

Mr. V. N. Mehta : Sir, it is a pleasure to me standing before my honourable friend Khan Bahadur Maulvi Fasih-ud-din, to discuss a subject in which he as a distinguished alumnus of the Allahabad University is and has been very much interested, viz., to give a practical bias to the system of training which is pursued in that university. I had no occasion to speak so far . . .

Shaikh Muhammad Habib-ullah : I believe the issue is general, not for the Allahabad University.

Mr. V. N. Mehta: He laid emphasis on the fact that the absence of this practical bias has been mainly responsible for the creation of the problem of unemployment among the educated middle class. Before I deal with this question, there is one point which requires to be disposed of, and that is a reference made by my honourable friend Mr. Nisarullah from Gorakhpur. He propounded the astounding proposition that the universities in India were primarily intended to be seminaries for creating clerks. Sir, I am sure that the honourable member, who is a brilliant specimen of the Allahabad University, will join with me in repudiating the innuendo involved in this proposition. It is very well known that when Macaulay indited his minute on education there were two schools of thought, the Orientalists and the Occidentalists, if one may put it like that, and the Occidentalists won. There was then the question of the medium of instruction and the medium of instruction was kept English. The idea all along was to train a small *corps de-lite*, and it was thought that training from this class will filter down to the lower classes and that this would be the best way of bringing about in a small space of time, improved literacy in the land. This was called the filtration theory. Unfortunately the filtration theory did not work and this was responsible for Wood's despatch of 1854. Honourable members must have read the Hartog Committee's report and must have seen that it was after 1854 that the question of the establishment of universities first came up for consideration. My honourable friend from Gorakhpur, who said that universities were established about 1830 to multiply and manufacture clerks, I am afraid, was wide off the mark. The whole object of that despatch is very clearly put down here as follows:—"The despatch of 1854, first imposed on provinces of India the duty of creating a system of education from the primary school to the university." In order to carry that object out departments of education had to be created. So this point has to be disposed of.

I think it has become a fashion nowadays to run down the university graduates. Let me enunciate one proposition with which my honourable friend, Khan Bahadur Maulvi Fasih-ud-din, a pure mathematician voyaging in regions of pure thought, will agree, that it is in the universities that the soul of a nation mirrors itself. In our universities here we have been able to give an outward embodiment of our ideals. The university teaches us what we live for. It would be some other institution which will teach us how best to live that life. When the Sadler Commission left this country a clear distinction was drawn between the intermediate education and higher university education, and the first terminus, which is called the intermediate education, marked the completion of what might be termed prevocational or utilitarian type of education. From several lines streams of training converge to this intermediate point. One changed at that stage the gauge of our mental outlook. At this stage certain people branched off to the university stage, others went to technical schools or technical institutions. If we take the German example there is at the end of the gymnasium and the real *schule*, the passage clear to the university or they will go to the *technische Hochschule*. When the Sadler Commission report came out,

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we in this province definitely made it a point of crying halt at the intermediate stage. All those who wanted to be technical men branched off from that line. They went to the medical colleges, they went to the engineering colleges, they went to the teachers' training college for C. Tships or something like that. Those who were intent on receiving a cultural type of education, who wanted to live and work for three years in an atmosphere of pure culture went to the university. If some students who should not have gone there, have gone there and have been a failure that is no reason why we should introduce in the university that element which should rightly form part of the system of training in a technical high school. It may be remembered that our universities were started practically at a time when probably guns were being still fired in suppressing the mutiny. In Germany very shortly after the battle of Jena the Berlin University was founded and the founder of that University William Humbolt definitely laid down as the authorities did in India the object of the university to be the teaching of pure science and pure humanities. Even when the outlook was the darkest the utilitarian type was kept out. This aspect was transferred to the high school or the technical schools. We have consistently tried to do the same thing here. Take for instance the old Allahabad University. We kept the Allahabad University a centre for teaching humanities or pure science. It was for this reason that we have attracted men like Dr. Megh Nath Saha, F.R.S., to that place. We may hope for a great future for the development of the Chemistry department by Dr. Dhar and his assistant Dr. Dutta. Any of them may develop into a world famous man. We must keep an atmosphere of pure research, pure teaching and pure science. What is that which a German most prides himself when he enters any of the universities? It is the freedom of teaching and the freedom of learning in the university. (*Lehrenfreiheit, Lernenfreiheit.*) The professor is not forced to teach a certain number of hours; the student is not forced to learn a certain number of hours. There is no forced hot house growth. Why should we think that our students are different? Are the specimens of our universities, as we see them here, such as to reflect any discredit on their Alma Mater? Let us not lose sight of our ideal because at present we are embarrassed by the question of middle class unemployment. We can solve the question of middle class unemployment best by concentrating on our technical schools and technical colleges. We have in our midst the technical Institute at Cawnpore. My friend, Rai Bahadur Avadh Behari Lal, referred to the technical university at Cawnpore. I was at that time Director of Industries and Sir Harcourt Butler wanted to consider whether we could not have a sort of technical university at Cawnpore. Well the difficulty was where were the affiliated institutions to come from? There were only two technical institutions at Cawnpore, and we thought in time they would be affiliated to the new institution at Agra when it comes into being. If the Arts student or the Science student who wants to go in for a practical training, let him go to the technical institute. Let the student who wants to lead a cultural life for three years, who wants an all-round

development, the student who wants to learn not so much how to live but what to live for, let him go to the university institution. It is there that the teaching may be correlated with research and research with teaching, and the best blend of the ideal could be realized.

Now let me visualise before you the type of institution that would be evolved if we gave consciously, as the honourable member, a practical bias. There is a book here before me—Flexner's book on universities of England, Germany and America. I happened to be reading it a few days ago. I did not know that this subject would come under discussion. If honourable members want to see the book, I am prepared to let them do so. It is the latest pronouncement on the subject of universities by a well-known American writer. He has definitely vivisected the American Universities, where, as some of the honourable members just now mentioned, there was an effort made to teach practical subjects. What were the practical subjects? The art of advertisement. The art of advertisement was taught by a lecturer who had never advertised in his life. The art of marketing was taught by a Ph.D. who knew the theories of marketing but did not know in practice the difference between a pound and a penny. The art of salesmanship was taught by a doctor of philosophy who has seldom descended from the high plane to *terra firma*. If I read the subjects it will amuse honourable members to know what subjects were being taught. Principles of advertising. Advertising research, Practical poultry raising, Secretarial working, Business, English, Elementary stenography, Newspaper practical reporting, Copy editing, Feature writing, Cookery, and so on.

Now as regards the achieving of the object which the honourable member has in view, I have the greatest regard for the honourable member because of his selfless desire to find avenues for relieving the problem of unemployment. Well, the best thing would be, let there be a definite hurdle and a difficult hurdle after the intermediate stage, so that students who are not fit to clear that hurdle should gravitate into other directions like joining the medical schools or technical or industrial institutions. They need not clear the hurdle and go to the universities where a different and a higher type of disinterested training is being given. Sir, this can only be done if we mobilize public opinion. Government cannot do it. If public opinion is mobilized the standard of admission to the university will be raised, not that it is desired by the Government, but if public opinion demands it then it should be done. The result will be that the students who could not clear that hurdle will naturally gravitate to the direction where they will become better clerks, they will learn better English correspondence and be better experts in précis writing. One of the complaints that was made before the committee of unemployment in the Punjab was that the average Intermediate student, or even the B.As., did not know official correspondence. Well, there are classes here in Lucknow which any entrance student can join. He can learn there précis writing, he can learn business correspondence and take up any of the courses for Intermediate which go to constitute the Intermediate Commerce course, and that student would be perfectly all right for employment as a clerk or stenographer. The problem,

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therefore, is not to touch the universities but to concentrate attention on other institutions where a student can go. Before I close, I shall just read out a paragraph from this book, a paragraph written after what the author calls a failure of American experiment :

“ They (Americans) have thoughtlessly and excessively catered to fleeting, transient and immediate demands. They have mistaken the relative importance to civilization of things and ideas. They have failed and they are in my opinion more and more failing to distinguish between ripples and waves.”

Sir, this is my feeling at this moment. We have been overwhelmed by our temporary embarrassment and we have confused ripples and waves, and we are in danger of sacrificing an essential principle by trying to tamper with the ideals of a body which stand quite apart, and the object we have to concentrate on is to have more technical institutions or to strengthen the existing technical institutions where the students after the intermediate stage can go.

Khan Bahadur Hafiz Hidayat Hussain : Sir, it would be saving considerable time of the House if the department of Education and other departments of the Government as well took such steps as to put the honourable members of this House in possession of explanation relating to figures in the Budget, so that only policy remained to be discussed on the floor of this House and so much of the time as is wasted on figures was saved. The point that I wish to make is that last year when dealing with Education we started discussion on university education and we had not proceeded very far when the two days' limit was over. Year before last at my special request the Hon'ble the President took up the subject of primary education. Unfortunately the time allotted to the Council for discussion of the groups of subjects is so very limited that it is impossible to say all that one wants to say with regard to different subjects contained in the group and unless and until such accommodation is made to which I have referred above in order to give us a little more time to ventilate our points of view on matters which are of vital and paramount importance, I am afraid that it will not be possible to even barely refer to some of those subjects which most vitally affect us. Having said so far, Sir, I wish to observe that the Secretary of the Education department has given us a very learned dissertation on the comparative merits of university teaching. He has also criticized the honourable member for Gorakhpur for saying that university education merely manufactures good clerks.

Rai Rajeshwari Prasad : I rise to a point of order. I just want to inform the honourable member that the gentleman referred to is not a member for Gorakhpur. He is a member probably from Azamgarh, Mr. Nisar Ullah.

Khan Bahadur Hafiz Hidayat Husain : I am sorry I was referring to Mr. Nisar Ullah. Now, Sir, if the honourable Secretary for Education were to read—I think he has already read—all the evidence that bore the Royal Commission on Education of 1882, he the criticism of my friend Mr. Nisar Ullah was not, however, that may be, the position today is that we

have to devise the type of education in relation to the circumstances prevailing in the country at present. If conditions in German universities according to Mr. Mehta are such as correspond more or less to the conditions prevailing in our universities, I would draw his attention to the other side of the shield—to the latest book "Democracy on Trial" by Lord Eustace Percy, who is touring at present in India. He will find under chapter VII of the book that the subject of unemployment and education has been dealt with in greater detail, and he will also find in this book that if there is anything that can cure this unemployment, it is special bias towards technical education, which is one of the potent remedies for it. My honourable friend, Hafiz Muhammad Ibrahim, in dealing with the subject seemed to me to say that unless and until there are in this country great marts of industrial activity, it would not serve any purpose to give a special technical bias to our present system of education, and I was also surprised that my honourable friend, the Hon'ble the Minister for Education, gave him a nod of assent. The Hon'ble the Minister is himself a great industrial magnate and I would certainly have expected that with his associations of the past he would give that turn to educational activities of the provinces as would give them an industrial bias. I will confine myself to the subject under discussion without trenching on broader grounds, although I must own that it is a subject which is dear to my mind and I was responsible for raising it some time back in the Council. Although much has been said already by the honourable Secretary for Education and much might still be said by the orator of the official side, Mr. Mackenzie, relating to education in general, I still remain intractable and incorrigible in my belief that unless and until an industrial bias is given to our education—secondary, primary and later to a degree in the universities—I am afraid the education that is given will not correspond to the actualities of our life.

The point, however, that I want to make in connection with this cut is that we have got in this province five universities, two Imperial—Benares and Aligarh—and three provincial—Agra, Allahabad and Lucknow. All these universities vie with one another in the teaching of practically the same subjects. Is it not possible for these universities separately to specialize in particular subjects? Would it not be possible for, say, Aligarh to specialize in Mathematics, Arabic, Persian and Urdu? Would it not be possible for the Benares Hindu University to specialize in Engineering, Sanskrit and Hindi? Would it not be possible for the Lucknow University to specialize, say, in History and Political Science and for the Allahabad University in Physics and Chemistry? If this were done, the undue competition that prevails in our universities in regard to education of the same subjects would disappear. There will be specialization on the lines of the English Universities: for instance, Cambridge specializes in Mathematics and Oxford in languages. This will further eventually mean conservation of labour, husbanding of money and specialization in an atmosphere unembittered by rivalry and base competition. This is the first point that I want to make.

The second point that I want to urge is that the examinations in these universities need overhauling. I am not in entire agreement

[Khan Bahadur Hafiz Hidayat Husain.]

with the honourable member for Farrukhabad in all that he has said regarding examinations today, but, Sir, I myself was responsible for raising the question year before last with regard to a particular branch of examination, viz., Public Health. These complaints which my friend has ventilated on the floor of the House may or may not be well-founded, but the fact remains that greater attention is being paid to the examinations than to other things. Attention ought to be paid more to the assimilation of subjects taught than their faithful reproduction in copy books at examinations. In teaching a subject what is emphasized is examinations; the student takes his lessons from a book merely for the purpose of examination. Once the examination is finished, because there is no assimilation by the student the whole thing evaporates. Therefore, my submission is that lectures ought to be given in these universities with a view, more to assimilation than merely for purposes of examination. The *third* point that I want to make is that there is by far too much impetus given to imitation by students rather than initiation. The product of the university is more a slave of books, a slave of ideas than he can be a master of himself. Compare these universities with the universities of Oxford, Cambridge, Gottingen and Philadelphia. There we find products of universities possessing more powers of initiation than the faculty of imitation. The reason of all this is that every student that goes to a primary school in India aspires to finish education in a university. The aim of a student that goes to a public school of England or a public school on the continent is to finish education in order that he may get fitted to earn his living. Our aim here is to rear up hordes to swell the rank of the unemployed and the discontented. You, Mr. Deputy President, were yourself so impressed with the question of unemployment that as a non-official member you moved a resolution for relief of unemployment which was passed by this Council about two years ago. Later on the Secretary of the Intermediate Board opened a bureau for the purpose of securing employment. The Universities of Benares and Aligarh are proceeding in the same direction. Unemployment is a factor which, although is present in every educational system of education, can only be relieved if our education from top to bottom is such as to correspond with the actualities of our life. The last point, Sir, that I wish to urge is this. All the universities here excepting the Agra University which has taken up the external side of the Allahabad University are residential universities. The culture and type of education that is given in these universities is on the whole unexceptionable. But since the separation of the secondary education a student who reaches the university education stage is given so much less time that he cannot assimilate and cannot adequately benefit by the university education that is given to him. Therefore, Sir, I very strongly urge that in the universities for the purpose of taking an ordinary degree even there ought to be a course of at least three years instead of two years as now. Unless and until this is done the culture and type of education which the honourable Secretary for education is so much in earnest about will continue to remain a desideratum. In the lower rungs of our scheme of education, the student will have a chance of deciding for himself the course he would

follow and by the time he goes to a university he will have equipped himself better to enable himself to assimilate the culture which the atmosphere of a University is destined to impart. Therefore, to sum up my submission is that from the lowest rung of the ladder to the highest rung the education that is given to our boys in primary schools, in secondary schools and in universities needs immediate attention, and I hope the Hon'ble the Minister, in whose sincerity of purpose I have the strongest faith, will look into the matter carefully and bring out reforms in education which are sadly lacking at present.

Shaikh Muhammad Habibullah : Sir, I had tabled a resolution and my idea was to raise a plea to facilitate the advance and improvement of higher education in arts and science in the universities. I find that what my object was in bringing up my motion is being discussed at this very moment in order to contradict or oppose the resolution which is under discussion, and which is to the effect that the present system of university education is defective in that it leads to more non-employment. A gentleman has suggested that for a post of Rs. 35 there were 666 applications out of whom 91 were from graduates. Does it in any way reflect on the system of university education? I say emphatically not and I think I cannot improve on the statement made on the subject by the Secretary for Education. He has spoken on the genesis of education, or rather western education in this country from the time of the issue of that memorable minute of Lord Macaulay up to the present moment. He has described to us that the system adopted by Lord Macaulay was one of filtration of education from top to bottom. I think it was exactly in the line of old old way of education when the Brahman had supremacy and he had the privilege of monopolizing learning and through him it came to the other castes in India. I think Macaulay took it from that old old custom. He has also touched on many sides of education, not only the practical side but the spiritual elevation of man through high education and I think he is quite right. After all, university education is not the type of education which our friends here who support the present resolution require in order to prepare people to get small jobs, clerical or otherwise. The honourable Mr. Mehta's address would be more befitting on the occasion of a convocation of the university, but I must give him the credit that in exposing in such a learned manner the question of higher education he has also defended the Government in what they did act on previous occasions.

Now, Sir, it is said that at the present moment, situated as we are, the best way of giving higher education to the students of these provinces is to co-ordinate education, or, in other words, to centralize special education; and the reason given by Hafiz Hidayat Husain Sahib, which he thinks is a most convincing reason, is that all competition will disappear. Sir, if he thinks that by removing competition in the way of education, higher education, matters will improve, I certainly disagree with him. It is competition and competition alone which is the cause of advancement in any branch—it may be learning, it may be industry, it may be science, it may be politics. I quite agree with him when he said that the present period of education in the Universities in these provinces is much too short.

[Shaikh Muhammad Habibullah.]

There should at least be three years course in the university instead of two years. It is further said that if you wish to improve in the matter of higher education you should mobilize popular opinion. This may be correct on paper, but I think that if you mobilize popular opinion for higher education, perhaps opinion will be more on the side of what my friend Maulvi Fasih-ud-din has urged than on what has been said by that learned educational enthusiast, Mr. Mehta. Mobilization of popular opinion is really good; but we must try to mobilize our popular forces when we know that those forces may be useful for a certain object. I think the country is not sufficiently advanced to mobilize popular forces for the advancement of education. I have been connected with a university, the members of which are really devoted to duty, but I must admit that the people who join the educational service in India are not actuated by the same feeling as the people who take up education as a profession in western countries. We have to develop their way of thinking in matters educational. It is not the time to mobilize popular forces in order to mould our educational system according to our ideas. I hope my honourable friend, Mr. Fasih-ud-din, will give up this line of argument, that the system of education is defective in that it brings unemployment to the country. To meet unemployment university education is no bar.

It is the primary and the secondary education and not vocational education in the university. It is said that we must have a bias of industrial education in the university. May I ask, Sir, if the teaching of Chemistry and Physics is not a sufficient bias for the development of industries? It may be that our teaching in these branches is still much too low and not sufficiently advanced, but once you get a good research system and scholars in these branches you will find your industrial development through the products of your universities. With these remarks, Sir, I resume my seat.

Rai Bahadur Babu Vikramajit Singh: Sir, my honourable friend has raised a very interesting debate on this question, but I do not think that the answer can go in his favour. It appears to me that this motion is rather born of pessimism due to unemployment but we should strike an optimistic note and we should not be led away by things which are temporary. We require both kinds of education. We require liberal education as well as technical education. We require education for its own sake and we require education for the sake of earning bread and butter. We should not sacrifice one kind of education in favour of the other. If the plea of my honourable friend had been to improve technical education, to improve industrial education, to improve agricultural and commercial education I would have been whole-heartedly supporting him, but when he wishes to give a practical bias to the liberal education so to say to destroy that education and to turn and put it into a different channel, I am sorry I cannot agree with him. I think, Sir, in the economy of nature we require all classes of people. If we require, for instance, engineers we require painters, mechanics, potters, clay-modellers, cooks, tailors, chemists, doctors, lawyers, and so on, who may be the products of the various industrial, technical, agricultural and commercial education. We also

require men of a different type. We require thinkers, we require idealists, we require journalists, we require politicians, we require philosophers, we require professors, teachers, mathematicians. Now can my honourable friend say that if his view of the question was accepted, if a practical turn was given to all this education we would be able to get men of the type that the universities have been producing? My honourable friend, Mr. Mehta, has given no doubt a very able discourse and it is not necessary for us to say a good deal on the view that he has been propounding. The English education has come from the western countries and my honourable friend can go to the western countries and see what type of education they are giving. Oxford and Cambridge Universities are universities of one type. Then they have got universities in Manchester and Leeds and other places where they have technical universities. It will be wrong to say that the universities of the type of Oxford and Cambridge Universities are not fulfilling their purpose, that they ought to be changed and we should have universities only of the type which produce technical men. I think, Sir, that this proposition cannot certainly appeal to us. The products of these universities as we find throughout our country are very able and illustrious men. They are the products of those universities which give liberal education. If the idea of my honourable friend would prevail where can we get men of the type of Mr. Gokhale or Tilak or Sir Phiroz Shah Mehta. All these able men were produced in the country by the universities which gave liberal education. Even if we were to go to our own universities we find men like Dr. Ganesh Prasad and Dr. Zia-ud-din, Mathematicians and they will have no place in my honourable friend's scheme at all. We would only require people who would like to have something to live upon, namely, when they pass an examination they will go into the world merely for the sake of getting employment. I think that the question of unemployment cannot be solved by striking at the root of these universities which give liberal education. It is absolutely essential for the development of mind and intellect to have education of the type which these universities are giving, and this education is entirely different to that which is given by industrial or technical schools. In Cawnpore once we thought that we would be able to solve the unemployment problem by starting a commercial college. We opened the college, and I am glad to say that it is doing good service in that direction. But the question of unemployment cannot be solved merely by establishing vocational schools and colleges. If such institutions were established in large numbers, probably my honourable friend will find that students coming out of them would still be without employment, because, after all, the question is how far there is a demand for a particular class of men. For example, the products of the Technological Institute at Cawnpore find it difficult these days to get employment. Thus if we were to multiply the technical institutions and produce more and more men of that type, the problem of unemployment will still remain unsolved. I think it is much better to produce men with liberal ideas, although they may remain unemployed at the end, than to have technical men with no prospect of employment whatever, because while the former will have thought for their good the latter will have nothing for their

[Rai Bahadur Babu Vikramajit Singh.]

food. A philosopher, for example, can content himself by reading books, but how will a mechanical engineer pass his time without employment? A professor or a thinker will never rot without employment, while a technical man would. I think one has to take into consideration the life in its higher sense. You have not merely to face the realities, as my honourable friend Khan Bahadur Hafiz Hidayat Husain has said. These of course have to be faced. But to destroy one class of people and to produce only another class who may or may not be absorbed is not facing the realities. In the economy of things we require all types of men—technical men as well as thinkers, and therefore I submit that the education which is given by the universities is of a very useful kind. If, however, the question was of reducing the syllabus of studies, or of reducing the number of examinations, or of giving certain other facilities to the students, I should have been ready to give my consideration to it, because I feel that in certain cases the syllabus is very heavy and the students have not the time to assimilate ideas. In a certain book which I was reading the other day Swami Vivekanand said that you may have committed a library of books by heart, but you will not be treated as a man with education. If, on the other hand, you have got a few ideas well assimilated, you will be treated as a man with education. Therefore, the smaller the number of subjects, the lesser the number of books which the universities have to teach to students, the better for education. If you compare the examinations of the old Allahabad University and its products with those of the present time, I think that the palm will be carried by the students of the former days. It is probably the case that the syllabus of studies has been made heavier and heavier year after year, and this may have affected the efficiency of students. After all, the student has many things to do within the time at his disposal. He has to find time for the games, for literary attainments and for examinations. I am therefore in favour of reducing the syllabus and not encumbering the students with too many books and with too many examinations.

Another question was raised by my honourable friend, Khan Bahadur Hafiz Hidayat Husain; namely, that certain universities should specialize in certain subjects. This is a good idea; but I do not think that it is very practical, because the people like to have more and more facilities for sending their boys to the universities, and if the universities specialize it would mean that certain students will have to travel far away in order to get training of a particular kind, and that may stand in the way of the universities specializing in particular subjects. That I do not think is really the object of my honourable friend's motion, which is to give a practical bias to the training. And I am very clear in my mind that I cannot agree with a proposition of the nature which has been put forward by my honourable friend.

The Hon'ble the Minister for Education: Sir, I take it that the honourable mover wants the universities to give a practical bias to the training which is imparted by them in order that those who are turned out by the universities may be able to find employment. Sir,

I do not exactly follow how we can give a practical turn to education in departments like History, Mathematics, or even Chemistry which would help these boys to get employment afterwards. If you look at those who have been trained abroad, those who have received education in the finest universities abroad and who are therefore supposed to have had the benefit of a thoroughly practical training you will find that they too have the same difficulty in finding employment in India as the products of our own universities. I can name you hundreds and hundreds of students who have been trained abroad and have got the finest degrees and yet they cannot find employment here. The reason therefore is that we have no jobs here. It is not so much the fault of the universities, nor is it of the training which they receive; but, as I have said, there are no jobs for them. Unless somebody creates jobs, I do not think any change in the system of instruction will help matters. By this I do not mean that we should not make some slight changes in our system of education. Perhaps that would be useful; but, Sir, I submit that is not the panacea of the problem of unemployment. This problem has been worrying us for a very long time. As the House has been told, we have had a committee which inquired into this matter. They reported some time ago, but they could not evolve any very practical remedies. It is my intention to take up this matter once again when we have a little leisure and I hope that we may be able to do something which may help to solve this very complicated problem. We as Government have no very strong views as to the object of this motion, but after the assurance that I have given I hope the mover will withdraw it.

Khan Bahadur Maulvi Fasih-ud-din : Sir, I expected from the beginning that those who are directly interested in universities and the honourable the Secretary of Education would not take my motion lying down and would come out with a vehement opposition to it. Naturally enough they could not be expected to act otherwise.

The Hon'ble the Minister for Education : We have not opposed the motion.

Khan Bahadur Maulvi Fasih-ud-din : I am talking of the Education Secretary.

Mr. V. N. Mehta : I said that remedies could be found elsewhere.

Khan Bahadur Maulvi Fasih-ud-din : I am sorry. I will take up the speech of my honourable friend, the representative of the United Provinces Chamber of Commerce. I assure him that I am very thankful to him that he said yesterday that I used to talk sense at times, and I assure him that at least this time I shall be talking sense. He has waxed eloquence on the advantages of a liberal education. He said that liberal education produced men like Mr. Gokhale, and so on. He said that it infuses in us idealism and so many other things which he took about ten minutes to describe. I do admit that it is so. I am not opposed to liberal education at all. I am afraid that he has thoroughly misunderstood the motion that I have put in or he has not cared to understand it. My motion is simply this, and I explained it in so many words when I moved it, that there should be water-tight compartments in every

[Khan Bahadur Maulvi Fasih-ud-din.]

university, one for giving liberal education and the other should be such as would give a strong industrial bias. I never meant to run down liberal education. As to the products of the universities whose names he has quoted, I would give him many more names of those brilliant men who have succeeded in their lives and who have not had the advantage of receiving university education. The Leader of the party, from which he has just resigned, is one of them and our Home Member. The honourable member criticized my friend, Hafiz Hidayat Husain, when he says that we must conform the courses of our universities to the realities. Our friend is very angry at the use of that word. I think he will have to admit that we live in a world of realities and not in a world of sentiments. We have to look to realities if we have at all to make progress in this world. The Hon'ble the Minister has just said that I have not given him a practical solution of this question and that he would look into it later on when he gets some time for it. I quote for his information the case of the Dayal Bagh institute which gives liberal education and which gives industrial education side by side.

Rai Bahadur Babu Vikramajit Singh : It is only an intermediate college.

Khan Bahadur Maulvi Fasih-ud-din : It does not matter. It can be improved to B.A. Class and I believe that can be done very easily. The capital invested in that institution is only 14 lakhs and every industrial branch is there. The dairy, the shoe-making, the leather branch, the cutlery, the furniture branch, and so on. They are all paying, it is not a burden on those who are interested in the success of that institution. That is an ideal institution before us and there is absolutely no reason why we should not follow in the footsteps of that particular institution. It has been said by other speakers that there is the technological institute in our province and the products of the universities could go to that institution and take advantage of the training that it gives. I will tell you, Sir, that only yesterday a science graduate of the Allahabad University came to me. He told me that after taking his B.Sc. degree he went to the technological institute and he read there for three years and obtained a degree from that institution. He said that for the last two years he had been running here and there to get a job but did not succeed and he was now reduced to such a condition that if he did not get any service during the next six months he would commit suicide. That is the case of those who resort to this technical institute.

Mr. V. N. Metha : Is this a condemnation of the technological institute ?

Khan Bahadur Maulvi Fasih-ud-din : The plea that has been raised against my motion by introducing the name of technological institute is not well founded. I think that my resolution is simple enough. I do not want to abolish liberal education and the facilities that ought to be afforded to get all the advantages of liberal education. But I do submit that we are overdoing the picture in this direction. We have

got five universities in this little province of ours as against five in the whole of Great Britain and Ireland. Out of these five we have only one affiliating university and the rest are very costly and expensive residential universities. Are we not attracting more people to these universities than we ought to for the sake of maintaining the facilities for liberal education? I put it to any member of this House whether we are not overdoing the picture in this particular direction and whether we are not attracting and giving an impetus to our young men to come and acquire liberal education at the expense of industrial education. It is for this reason that I propose that situated as we are we must have two water-tight compartments in these universities, one for those who after passing the intermediate examination should go to the section with an industrial bias, and the other to the other section. That is the simple meaning of my resolution and I hope that this honourable House will agree to it.

The Deputy President: Does the honourable member wish to press his motion? If so, what is the issue on which he wants the verdict of the House?

Khan Banadur Maulvi Fasih-ud-din: The issue is that there should be two sections in each university, one with a literary bias, and the other with an industrial bias.

The Deputy President: The issue has been stated by the honourable mover of this motion. The question is that under sub-head A—Grants to universities, a reduction of Re. 1 be made.

The question was put and negatived.

Rai Bahadur Thakur Hanuman Singh: Sir, I beg to move that under sub-head C—Grants to non-Government Art colleges (women), a reduction of Re. 1 be made. My intention in moving this motion is to bring to the notice of the Government and this House that the expenditure on secondary education of girls is too small, which is not encouraging the spread of secondary education amongst the female population of our province. Sir, from the report of the Director of Public Instruction, I find that there are only five colleges which teach the girls up to the intermediate class. One is the Isabella Thoburn College, the other the Crosthwaite College, Allahabad, the Theosophical College, Benares, and there is one college in the Hindu University and another in the Muslim University. The total enrolment during the year 1931 was 104. Sir, any one who is interested in the education of girls of these provinces will feel much disappointed on finding that only 104 girls are reading in the intermediate class. It is said in the report that the Mahila Vidyalei prepares students for intermediate examination. I know that the Mahila Vidyalei sends one or two students every year. In that case the number can be taken as 106 or 107.

Sir, from the budget I find that the Government spends on these colleges only Rs. 27,129. This amount is so small that it cannot be considered by any one as a satisfactory sum. In the Detailed Estimates I find that the Government spends on the education of European girls as much as Rs. 4,18,000. By making this mention I ought not

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to be misunderstood that I grudge this expenditure. What I mean to say is that the population of these Provinces is mostly either Hindu or Muslim. The European population including Anglo-Indians and Eurasians is comparatively very small. On account of the importance of female education, Government should spend more liberally on the education of non-European girls.

The Hon'ble the Minister, when introducing the budget this morning, said that the position of female education was reversed. In what way that has been so I fail to understand. There does not seem to be any appreciable improvement in female education.

Mr. V. N. Mehta: I may just make it clear on behalf of the Hon'ble the Minister that what he meant to say was that formerly whenever there was retrenchment the axe fell heavily on female education. Now the position is the other way about, i.e., though the axe has fallen on boys' education, the female education is untouched.

Rai Bahadur Thakur Hanuman Singh: That may be so in the mind of the Hon'ble the Minister, but what I understood him to mean at that time was that female education had made so much progress that the whole position was reversed and I think many members of this House would have taken his statement to mean that.

Now, Sir, what I want to say is that there is no college where girl students are taught for B.A. and M.A. degrees. Thanks to the private enterprise and to the Benares Hindu University and the Aligarh Muslim University that our girls are getting an opportunity of receiving education in classes higher than the Entrance class. Then, Sir, the number of high schools for girls is also not very large. Neither arrangements for the Intermediate class nor for the Entrance class are such as can be considered to be satisfactory. There was a time when it was said that there was no demand for female education. I now assure the Government and this House that the demand is increasing every day and Government should do its best to meet that demand and provide sufficient facilities for higher female education.

I would like to know either from the Hon'ble the Minister for Education or from the honourable the Director of Public Instruction what is the percentage which the Government spends on female education as compared with boys' education.

(At this stage the Hon'ble the President took the Chair at 3-42 p.m.)

The Hon'ble the Minister for Education: It is given in this report—Report of the Director of Public Instruction.

Rai Bahadur Thakur Hanuman Singh: I could not lay my finger on that figure. Had there been an earnest desire on the part of the Government to encourage female education, I think it would have been proper to increase the provision for education of females and provide larger means to create facilities for the girls to take to education, but this has not been done. It should be the duty of the Government to spend more liberally on this branch of education so that the complaint which exists at present may very soon come to an end.

Mr. A. H. Mackenzie: Mr. President. The Government and the Education department welcome a resolution of this kind because it is entirely consonant with the policy of the present Govern-

ment. The honourable mover seems to have quite misunderstood the remarks made by the Hon'ble Minister when he presented the budget. The Hon'ble Minister said that the attitude of Government towards girls' education had changed. At one time if retrenchment had to be made it was made in girls' education. Now the attitude of Government is such that if there is little money to spare for new demands, girls get it in preference to boys, and to show that these were not mere words the Hon'ble Minister drew attention to the fact that, except for one small item in the schedule of new demands, all items of new demands went to girls' education. The honourable mover has said that the provision made for intermediate colleges is inadequate. He said that it amounted to only Rs. 27,000. He has misunderstood the figures in the budget. This item of Rs. 27,000 is for one college only. The expenditure on other intermediate colleges for girls is included in a sum of Rs. 4,64,000 on page 47 of the detailed budget. It is true that the number of girls in these intermediate colleges is small, but that does not show that more intermediate colleges are required, but rather that all interested in girls' education should encourage parents to send their daughters to the colleges that exist. The existing colleges are not full in their intermediate classes. It is true that, as the honourable mover said, the demand for girls' education is increasing. Ten years ago the difficulty was to get girls to go to a school; now the difficulty is to find accommodation for those who are pressing forward to enter the schools. Government are well aware of the reality of the demand there is for additional facilities for girls' education and as far as funds permit they will endeavour to meet that demand. The honourable mover asked for figures showing the percentage of expenditure on girls' education as compared with that of boys. The figures are given on page 32 of the explanatory memorandum. It is there shown that of a total amount of Rs. 1,89 lakhs, Rs. 1,70 lakhs is for the education of boys and Rs. 20 lakhs for the education of girls (*Shaikh Muhammad Habibullah*: Only) as far as the figures can be separated. But it is to be remembered that the figure for male education includes the entire expenditure under direction and grants to universities and training colleges. Both these heads provide for the care and development of female education. It is clear none the less that the proportion for girls' education is small. Government are endeavouring as far as they have the funds to remedy this disproportion and in pressing his motion on the Government the honourable mover has been preaching to the converted.

Rai Bahadur Thakur Hanuman Singh: Sir, I have heard the honourable the Director of Public Instruction and I find that it is the intention of Government to spend more and more money on female education. But the Director of Public Instruction has given a disappointing reply to my question that the number of intermediate colleges in the province is too small to meet the need. He said that the number of students reading in the intermediate colleges is too small. Well, Sir, how the education of boys spread and how it was encouraged by the Government is well known to every one. The Government opened high schools nearly in all the districts, which was the greatest impetus to the spread of education for boys in the

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province. But now the Government thinks that five colleges in such a big province should be considered quite enough to give impetus to female education. Well, Sir, I cannot agree with him in this statement—increase the number of schools and colleges and the number of female students will increase. Then at the same time all those girls who may be desirous after passing the intermediate examination to read for B.A. or M.A. classes have got no means. Either their parents should agree to co-education and send them to University colleges or they should end the education of their girls after they have passed the Intermediate Examination. In India the time has not come when the parents will generally agree to co-education. There may be a time but it is not now. The Government is not maintaining any intermediate college or any high school at its own cost for the education of girls as it is maintaining a large number of high schools and some intermediate colleges for the education of boys. Unless the Government spends more money on the education of girls and takes upon itself to open more high schools and a number of intermediate colleges as well as colleges teaching them to the University class the needs of the province will not be met and at the same time female education will not get impetus. Well, Sir, I will take an opportunity of speaking later on the primary education as well as secondary education for girls. In that case too the Government has not done enough with which the province should feel satisfied.

The Hon'ble the Minister for Education : Sir, Government are on very delicate ground in dealing with this question of female education. They have in the past established one or two girls' high schools, but they were not a success and so they had to be handed over to private enterprise. They are now trying the experiment of having middle schools for girls and after these have succeeded they will see whether they can establish high schools and colleges for girls. Just now the policy is to give grants to private bodies who wish to establish girls' colleges and high schools.

Rai Bahadur Thakur Hanuman Singh : May I put one question to the Hon'ble Minister? Will the Hon'ble Minister for Education please state the reason why the schools which were opened by Government were not a success.

The Hon'ble the President : I doubt if this question is necessary to elucidate the matter under debate.

The Hon'ble the Minister for Education : I can answer it, Sir.

The Hon'ble the President : If the Hon'ble Minister chooses to answer it I do not wish to stand in the way.

The Hon'ble the Minister for Education : The people seem to have preferred private management to Government management in the matter of girls' education.

Rai Bahadur Thakur Hanuman Singh : The management must have been unsatisfactory.

The Hon'ble the President : I cannot allow a supplementary series of questions. Is it being pressed, if so, with what object.

Rai Bahadur Thakur Hanuman Singh : That the Government should spend more liberally on female education.

The Hon'ble the Minister for Education : We have accepted that.

The Hon'ble the President : The question is that a reduction of Re. 1 be made under "grants to non-Government arts colleges for women.

The question was put and agreed to.

Khan Bahadur Maulvi Fasih-ud-din : Sir, I beg to move that under sub-head University education—Training Colleges, a reduction of Re. 1 be made.

Sir, the utility of the training college of Allahabad has ceased to exist in view of the fact that an unusually large number of trained graduates are available for employment in the Education department and as many of them have taken up other work, such as legal practice and so on because they could not get a post in the Education department—either in the Government schools or in the aided schools—the number is therefore accumulating day by day. If the department wants to maintain it for the sake of training its own teachers then there are training classes in various universities of these provinces—Allahabad, Aligarh, Lucknow and so on—and these classes in those universities can very easily be utilised for that purpose. If the Allahabad Training College were to be abolished there will be a very substantial saving in the Budget which can be devoted to a better purpose.

Rai Bahadur Babu Jagadeva Roy : Sir, in supporting the honourable mover in connexion with the motion at issue there are several points to be considered by this honourable House before coming to a conclusion one way or the other. The first point that should be considered will be whether there is the necessity of running these training colleges. That is the first point to be considered. If we look to the annual report of the Director of Public Instruction we will find that the Government schools at present are being run by the trained teachers at the rate of 73 per cent. Private institutions are similarly being run at the percentage of 34. So, Sir, from this point of view it can be urged from the Government side that there is still scope for having 27 per cent. trained teachers in Government schools and about 66 per cent. in private institutions, but to this the reply will be that really it is not the want of trained teachers that is not making the percentage full but that there are trained teachers available who have not been employed in the institutions, whether Government or private. This may be partly due to the fact that there have been untrained teachers in these institutions from before and so they cannot possibly be replaced at present and on account of this the percentage cannot be made up cent per cent. So the net conclusion of this will be, Sir, that we can safely dispense with the training colleges at least for the time being in view of the economic condition. That is the first point. The second point is whether the efficiency of the teaching staff will be lessened or weakened if these training colleges are abolished. My submission will be, Sir, that there was a time, if I mistake not, some 30 years before, when there were no training colleges. A question for consideration will, therefore, arise whether the system of teaching as it existed at that time could not compare favourably with the

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present system and so there is the necessity for it on that account. In my humble opinion the teaching of those days through untrained teachers was better; if not better it cannot be said to be worse than what is going on now, or in other words it was as good as the present is. (*Question.*) So, Sir, I consider that there are strong reasons for the abolition of the training colleges. We can safely assume that graduates coming from universities after receiving genuine education are expected to come with disciplined minds and with well-stored knowledge. So this will be as unprofitable a task as it is to gild a piece of glittering gold to send such graduates to receive training in a Training College for ten months without any necessity. What happens there is that a graduate after taking his M.Sc. degree is asked to undergo training in a Training College in the subject of teaching for a period of ten months. Now, what is he taught in the Training College? We have to approach the subject from this point of view. The Government will probably argue that although the man is an M.Sc. he has had no practical training in teaching, and therefore it is necessary that he must have that specialised training. My submission is that if you will look at the matter from a practical point of view, you will find that it is really a waste of time for an M.Sc. to remain at the Training College for a period of ten months. The object in view can be achieved in another way also. The method of teaching can be learnt by students along with other subjects in the College itself, and there seems to be no need for a specialised course of training. If this is done a great saving will be effected. I submit that, to begin with, in the curriculum of studies for students in the High School classes there should be introduced a book on the method of teaching, which should form part of the subject of English. Similarly, in the case of Intermediate students, another book on the subject can be introduced. If this is done, no further book will be required for B.A.'s and M.A.'s. My submission therefore is that training in teaching could be given along with other subjects in High Schools and Intermediate Colleges. I have not proposed the method of teaching as an optional subject, because in that case Government would have argued that this would require the employment of special teachers in that subject in all schools. This, Sir, is one way of dispensing with the Training College. There is another way also of achieving the same object. If the headmaster of any particular institution wants that his assistant masters should be well versed in the method of teaching, he should make it a point to visit a class in the school once a week at least and see for himself whether the teachers have been teaching students on the lines of the Training College or not. If not he will give necessary instructions for that. In this view of mine I am supported to a certain extent by the remarks of one of the Inspectors of Schools, which I may observe were also endorsed by the Director of Public Instruction, and these will be found by the honourable members of this House on page 14 of the general report on public instruction of these provinces in regard to teachers and their efficiency. Among other things it has been remarked there that the Inspector of Schools, Benares division, is of opinion that efficiency in methods of teaching in government institutions can improve only if headmasters exercise with tact, firmness and sympathy better supervision over their

assistants. Sir, my submission is that there are different ways of achieving the same object if we dispense with these training colleges. I should not be misunderstood at all in this connexion. I do not mean that the saving accruing from the abolition of these colleges should be taken away and utilized elsewhere. My object is that we should save as much as we can from unnecessary branches of the Education department and utilize that saving to those other branches of education which need more and immediate attention. I support this motion from this point of view.

Now the next question will be where that saving can be better utilized. My submission is that we have got before us facts and figures and on the strength of those facts and figures I say that the percentage of education according to this report seems to be varying between 5 and 6. This is rather wonderful. This system of education was introduced long ago, but during all these years with all our attempts we have only gone up to 5 per cent. I should say it is really a matter of thousand pities that we are so behind. Therefore my submission is that after making all these savings we should utilize the money for giving more free studentships to poor boys in larger number than at present. This will increase the percentage of literacy in our province. I would request the House to kindly consider whether the present motion to effect an economy is to meet better requirements. Before I sit down I should like to say one point more. I said that efficiency will not be deteriorated by abolishing these training colleges. I will put forward for this another test also. If the House will look into the report of the public instruction it will find that there is no appreciable difference even in the number of passes. For instance, in the Intermediate school examination results I find no appreciable difference between private Intermediate colleges and the Government Intermediate colleges. There is hardly a difference of say 4 or 5 per cent. Similarly, if we take into consideration the private institutions sending up boys for High School examination we find that there too there is no appreciable difference in this respect. This leads me to conclude that really at present our institutions are not suffering in the least for want of having trained teachers. We can very safely dispense with, if not for all time to come, at least for a number of years, with training colleges, and utilize the saving to other necessary objects, such as opening industrial schools and the like.

Saiyid Yusuf Ali: Sir, I have got a motion in my name which stands as number 14 on the agenda, and I think I may also express my views in this connexion now. I may make a request to the Government and at the same time impress the necessity and desirability of having some regard for the Muslim representation in the training colleges that exist in the United Provinces. There are three colleges in the United Provinces—one at Lucknow, the other at Allahabad and the third at Agra. From the budget I also find that the number of instructors and other professors is 18 and 4, and out of these, as far as my information goes, there is one at each place. I want to request that at least this may be kept in mind and that in any case not less than one Muhammadan should be retained as an instructor on the staff.

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The second point is that there are some complaints of the pupil teachers there. I hope that the Director of Public Instruction will have an eye on the complaints that the Muhammadan pupil teachers in these colleges have got. It is not strange that those complaints do not reach the ear of the authorities, and there may be good reasons for it. It is not necessary for me to discuss these reasons, but I want simply to draw the attention of the Director of Public Instruction and the Hon'ble the Minister so that they may look in to the complaints if there exist any.

Mr. A. H. Mackenzie : Mr. President, if a medical man were to hear a proposal that medical colleges should be abolished or if an engineer were to hear a proposal that the engineering colleges should be abolished, I think there would be some excuse for anger and excitement, and if I have listened very placidly to the proposal that training colleges should be abolished it is because I know that my friends, Khan Bahadur Fasih-ud-din and Rai Bahadur Jagadeva Roy, really would not hurt a fly, far less a Director of Public Instruction. They are well meaning, and I am sure that when I have given them all the facts they will withdraw the motion and wish my training colleges all success. The Khan Bahadur quite rightly raised the question of demand and supply. He said that these colleges were turning out students who could not be absorbed in the profession for which they were intended. The same point was raised last year by the leader of the Nationalist party, Mr. Chintamani. At his request I gave in my annual report for the year ending March 31, 1931, statistics showing the extent to which the output from these training colleges get employment. These statistics are given at the foot of page 43 of the report. Honourable members will see that, although in most cases the statistics show figures for the end of August only, i.e., a month after the school session opens, it is clear from them that all the students do obtain employment in schools. From the Allahabad Training College there was an output of 61 graduates; of these 55 obtained employment before the end of November; the rest were hanging back in the hope that they would obtain Government appointments. From the Government Training College, Lucknow, there was an output of 52 and 32 were employed. From the Government Training College, Agra, there was an output of 32; 24 were employed, and the Principal told me that the balance was due to the fact that in that college, too, men were hanging back in the hope of getting employment under Government. From the Benares Hindu University there was an output of 24; 23 of these received employment by the end of August. From the Aligarh Muslim University there was an output of 22 and 20 received employment before the end of August. I think it is clear from these figures that the output is not in excess of the demand. But I may say that the Department is carefully watching the figures and when we find that the output from these training colleges is in excess of the demand we shall have no hesitation in closing one of the training colleges and putting the money to use in some other way.

Rai Bahadur Babu Jagadeva Roy went much further. His contention was that there was no need for these training colleges. As I

was once Principal of a training college I could take up an hour of the time of the honourable members in giving them a lecture on the functions of training colleges. But I see from the clock that I have only about three minutes left and I must try to make the best use of them.

The Hon'ble the President: There is no guillotine today. The honourable member can go on if he likes.

Mr. A. H. Mackenzie: The honourable members are looking alarmed. I promise not to go on for an hour. The object of a training college may be said to be to give students a knowledge of the science of education and impart to them instruction in teaching and school management. The science of education means the knowledge which has come down to us from the time of Plato through all the ages regarding the methods of developing the minds of children. That knowledge has been accumulated by long study, research and practice and it is of the greatest value to those who enter the teaching profession. A student in a course of ten months acquires this knowledge and is, therefore, able to take up the work of teaching with all the accumulated experience of past teachers in his mind. If without this knowledge he undertakes teaching, he may for himself acquire something of the science of education by his own methods and his own practice, but the result will be that he will acquire this knowledge at the expense of his students. Similarly, in regard to the art of education. The art of education means class and school management, school organization and all that might be included under the term practical teaching. That art can be acquired in a few months under proper supervision. But if the teacher attempts to acquire it simply by practising on students, the result will again be that he will acquire it at their expense. To hand over a class to a teacher, as my friend the Rai Bahadur suggests, with a book of methods to help him, would be very much like handing over a motor car to a man who has never driven before with a book of instructions and telling him to go ahead. The result we all know would be a wrecked motor car.

At this stage Mrs. Srivastava took the Chair at 4-30 p.m.

Madam, although the results of the unskilled efforts of a teacher who has not been trained would not be so obvious as in the case of the motor car driven by the unskilled driver, they would nonetheless be equally disastrous. Perhaps the Rai Bahadur will say that I am here talking like a pedagogue and that, as he has no opportunity to reply, I take advantage of the fact that what I say cannot be contradicted, so I would turn very briefly to the authority of others. I have got before me here the report of the Hartog Commission. The Hartog Commission was a commission composed, as honourable members know, of very distinguished educationists both Indian and European. The unanimous view of that commission in regard to training of teachers is summed up in one sentence of a few words. The Commission said "The efficiency of a school depends mainly on an adequate provision of well-trained teachers." That was the

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deliberate verdict of an expert education committee. I may go further in the way of quoting authority and remind the House that the two national universities of the Province—the Benares Hindu University and the Aligarh Muslim University—have each established a training college. Each of these universities attaches the greatest importance to the training of teachers. My honourable friend, Rai Bahadur Babu Jagadeva Roy, has quoted on the other side a remark made by an inspector of schools. The inspector said “Efficiency in methods of teaching in Government institutions can improve only if headmasters exercise with tact, fairness and sympathy greater supervision over their assistants”. I think that it is clear from the context that the inspector did not mean that such supervision by the head master was to take the place of training, but rather that it should supplement training.

I now turn to the remarks of Mr. Yusuf Ali, regarding Muslim representation on the staff of colleges and the treatment of Muslim teachers. I do not think it would be possible for the department to lay down a proportion of Muslim teachers in each grade of institution; but I think it will meet his point if I say that the Government do regard it as of importance that in the Provincial Service as a whole, taking the posts of headmasters, assistant inspectors, lecturers in training colleges, there should be a reasonable proportion of Muslims, and I have the authority of the Hon’ble the Minister for saying that he will sympathetically examine the facts regarding the percentage of Muslims in the Provincial Service as a whole.

As regards the complaints of individual teachers, I may say that I had a complaint from Khan Bahadur Hafiz Hidayat Husain, regarding Muslim teachers at the Allahabad Training College. I made inquiries through the Principal and sent the Principal’s reply to the Khan Bahadur, who was perfectly satisfied with it. I am prepared similarly to make an inquiry regarding any other definite complaints that may be made.

I am afraid, Madam, that I have given a somewhat hurried reply to the motion of my honourable friend. I have done so because we have already exceeded the time limit and honourable members are getting perhaps a little impatient. I hope that the Khan Bahadur will show his appreciation of my consideration by withdrawing his motion.

Mr. Brijnandan Lal : I want to know what the Hon’ble the Minister has to say on this question and I hope you will call him.

The Hon’ble the Minister for Education : After the irrefutable logic of the Director of Public Instruction I have nothing more to say on this matter. I hope my honourable friend will withdraw the motion.

Khan Bahadur Maulvi Fasih-ud-din : I beg to withdraw my motion, because you are presiding.

The motion was by leave withdrawn.

The Council was then adjourned at 4.37 p.m. till the following day.

LEGISLATIVE COUNCIL, UNITED PROVINCES OF AGRA AND OUDH.

Thursday, March 3, 1932.

THE Council met at the Council House, Lucknow, at 10-30 a.m.
The Hon'ble Sir Sita Ram in the Chair.

PRESENT (89).

<p>The Hon'ble Mr. E. A. H. Blunt. The Hon'ble Captain Nawab Sir Muhammad Ahmad Said Khan. The Hon'ble Nawab Muhammad Yusuf. The Hon'ble Mr. J. P. Srivastava. Mr. J. M. Clay. Mr. H. A. Lane. Mr. P. Mason. Mr. V. N. Mehta. Mr. F. Canning. Mr. J. R. W. Bennett. Mr. A. H. Mackenzie. Mr. J. N. L. Sathe. Mr. R. D. W. D. Macleod. Mr. C. St. L. Teyen. Rai Bahadur Pandit Suraj Din Bajpai. Khan Bahadur Saiyid Ain-ud-din. Mr. E. F. Oppenheim. Mr. K. N. Knox. Mr. S. T. Hollins. Lieut.-Col. C. L. Dunn. Mrs. Kailash Srivastava. Khan Bahadur Maulvi Fasih-ud-din. Mr. H. C. Desanges. Mr. E. Ahmad Shah. Rai Sahib Babu Rama Charana. Mr. Perma. Rai Bahadur Babu Awadh Bihari Lal. Chaudhri Ram Dayal. Chaudhri Jagarnath. Chaudhri Baldeva. Sahu Jwala Saran Kothiwala. Mr. Tappu. Chaudhri Ram Chandra. Chaudhri Ghasita. Chaudhri Arjun Singh. Rao Bahadur Thakur Pratap Bhan Singh. Rao Bahadur Thakur Bikram Singh. Kunwar Girwar Singh. Pandit Joti Prasad Upadhyaya. Chaudhri Dhirya Singh. Rao Krishna Pal Singh. Honorary Lieut. Raja Kali Charan Misra. Rao Bahadur Kunwar Sardar Singh. Rai Sahib Manmohan Sahai. Babu Kamta Nath. Kunwar Jagbhan Singh.</p>	<p>Thakur Keshava Chandra Singh. Mr. Brijnandan Lal. Rao Narsingh Rao. Chaudhri Ram Adhar. Mr. Bhondwa. Chaudhri Bharos. Pandit Shri Sadayatan Pande. Rai Bahadur Babu Jagadeva Roy. Mr. Dahari. Rai Rajeshwari Prasad. Rai Bahadur Thakur Shiva Pati Singh. Thakur Giriraj Singh. Thakur Jang Bahadur Singh Bisht. Rai Bahadur Thakur Hanuman Singh. Lal Sheo Pratap Singh. Kunwar Diwakar Prakash Singh. Thakur Muneshwar Bakhsh Singh. Thakur Jaindra Bahadur Singh. Raja Jagdambika Pratap Narayan Singh. Lal Ambikeshwar Pratap Singh. Rai Bahadur Kunwar Surendra Pratap Sahi. Rai Rajeshwar Bali. Mr. Zahur Ahmad. Syed Ali Zaheer. Khan Bahadur Mr. Muhammad Abdul Bari. Khan Sahib Muhammad Maqsood Ali Khan. Captain Nawab Muhammad Jamshed Ali Khan. Nawabzada Muhammad Liaquat Ali Khan. Khan Sahib Muhammad Hadiyah Khan. Khan Bahadur Hafiz Hidayat Husain. Khan Bahadur Maulvi Saiyid Habibullah. M. Nisarullah. Khan Bahadur Saiyid Jafer Hosain. Sirdar Muhammad Shakirdad Khan. Muhammad Imtiaz Ahmad. Shaikh Muhammad Habibullah. Raja Saiyid Muhammad Mehdi. Chaudhri Muhammad Ali. Thakur Rampal Singh. Rai Bahadur Kunwar Bisheshwar Dayal Seth. Raja Jagannath Bakhsh Singh. Rai Bahadur Babu Vikramajit Singh. Munshi Gajadhar Prasad.</p>
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QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

INELIGIBILITY FOR SERVICE IN INDUSTRIES DEPARTMENT.

*1. **Pandit Shri Sadayatan Pande :** (1) Is it a fact that non-domiciled residents of the United Provinces are ineligible for service in the Industries department ?

(2) Will the Government be pleased to state after how many years of residence in these provinces a non-United Provinces man is considered domiciled ?

The Hon'ble the Minister for Education (Mr. J. P. Srivastava) :

(1) No.

(2) Does not arise.

Pandit Shri Sadayatan Pande : Will the Hon'ble Minister for education state whether there are specific rules as to whether a person who is not a resident of the United Provinces cannot be employed in Government service in these provinces ?

The Hon'ble the Minister for Education : Government service as a whole or the department of Industries ?

Pandit Shri Sadayatan Pande : Department of Industries.

The Hon'ble the Minister for Education : No, there are no such rules.

Pandit Shri Sadayatan Pande : May I conclude that a man of any province can be employed at once ?

The Hon'ble the Minister for Education : I do not understand the implication of the words "at once."

Pandit Shri Sadayatan Pande : What I mean to say is this. Suppose a man comes from Bengal ; could he be employed without laying down the condition that he should have remained in the United Provinces for five or ten years ? Will that condition be binding ?

The Hon'ble the Minister for Education : He can be employed.

Pandit Shri Sadayatan Pande : I wanted to make it definite whether he can be employed without . . .

The Hon'ble the President : More definite information might be available by private conversation.

2—8. **Pandit Shri Sadayatan Pande :** (*Postponed at the request of Government.*)

POPPY CULTIVATION.

*9. **Pandit Shri Sadayatan Pande :** Will the Government be pleased to state in what districts of these provinces poppy cultivation is allowed at present ? Is it the intention of the Government to extend the poppy cultivation to the rest of the districts of the province ?

The Hon'ble the Minister for Education : The question is not within the competence of the local Government but of the Government of India.

*10 & 11. **Muhammad Imtiaz Ahmad** : (*Postponed at the request of Government.*)

*12. **Thakur Keshava Chandra Singh** : (*Postponed at the request of Government till March 17, 1932.*)

*13—20. **Sirdar Muhammad Shakir Dad Khan** : (*Postponed at the request of Government.*)

*21. **Pandit Shri Sadayatan Pande** : (*Postponed at the request of Government.*)

*22. **Thakur Giriraj Singh** : (*Postponed at the request of Government till March 10, 1932.*)

*23 & 24. **Pandit Shri Sadayatan Pande** : (*Postponed at the request of Government.*)

UNSTARRED QUESTION.

1. **Khan Bahadur Hafiz Hidayat Husain** : (*Postponed at the request of Government.*)

THE BUDGET, 1932-33.

DISCUSSION OF DEMANDS FOR GRANTS.

Grant No. 7. Head 31—Education.

Thakur Giriraj Singh : I beg to move that under sub-head "Secondary education B.—Grants to secondary schools," a reduction of Re. 1 be made.

The main object in giving notice of this cut is simply to show to the House that justice has not been done in giving grants-in-aid to some recognized institutions. There are some other things also which I shall just place before the House.

Sir, readers of newspapers are not unaware of the fact that in almost all the districts protests are being made by the teachers of recognized institutions against the cut in their salaries. As a cut has been made in the salaries of all the departments, a cut has also been made in the case of these institutions. In connexion with this I beg to submit that there are certain institutions of which the grant-in-aid is so meagre that, as I shall just point out to the House, they are unable to pay the salaries of their teachers with that grant-in-aid. For example, there are two or three high schools in the Gorakhpur division, the grant-in-aid of which is only Rs. 100 or Rs. 150 per month. Now, Sir, if you look at this grant and at the expenditure of those institutions, which teach up to the 8th or 9th class, we are sure to arrive at this that expenditure cannot be less than Rs. 400 per month. So how can the management pay up the salaries of the teachers of those institutions when the management is not getting even Rs. 200 as grant-in-aid per month? There are certain schools where the teachers are not allowed even the benefit of provident fund, while there are others where they are allowed simply half of that amount which is deducted from their salaries

[Thakur Giriraj Singh].

in provident fund account ; in other words, if two annas per rupee is deducted from their salaries, they get only one anna per rupee from the school management, while other institutions give the same amount which they deduct from the salaries of their employees. Sir, I shall not be out of place if I give an instance of a school, Sri Krishna Pathshala. Fortunately or unfortunately I am on the management of this school which is in my district of Azamgarh. That institution was recognised as a middle school 15 years ago and the management of that institution has spent Rs. 20,000 over the building, because we know that according to Government instructions we cannot keep these institutions in huts or under trees as we used to have in the days gone by. It is also necessary for the management to have a building according to certain plans. So the management of the institution spent Rs. 20,000, but still the management was so unfortunate that it did not get a single shell as building grant up to this time. In 1929-30 I had a talk with the then District Magistrate, Mr. N.C. Mehta, and he told me to give an application to him. I gave one application direct to the Inspector of Schools and another to the District Magistrate, Azamgarh. However, the management of that institution was lucky enough to get only Rs. 75 per mensem and the next year any how it was raised to Rs. 150 only and the same amount is being paid to that institution now. Recently I attended a meeting of the Board of High School and Intermediate Examination at Allahabad and I was glad to find that my school was raised to the status of a high school, but at the same time I was very sorry to find that not a single shell was increased in the grant-in-aid of the said school. Sir, it is very difficult to manage that high school without the grant-in-aid being increased or with such a meagre grant-in-aid as Rs. 150 only per mensem. How can we manage an institution without it according to the way the Government wants us to manage it. There was no increase in the grant-in-aid. It was raised to a high school on certain conditions. The conditions are something like this, that the management must construct a new building and collect a certain amount of money, say Rs. 3,000, as endowment fund and also Rs. 3,000 for the upkeep of the school in 1932-33. Sir, I was thinking that when the budget for 1932-33 will be presented before the House I might see that there was an increment in the grant-in-aid of this school, but I am very sorry to find that not a single rupee has been increased under either of these two heads regarding building grant or grant-in-aid for the upkeep. Questions were also put by me to the effect : "Has any provision been made for an increased grant-in-aid for that institution or is there any hope that the institution will get an increased grant-in-aid in the near future, that is, 1932-33?" The reply given to me was very disappointing, that is 'No.' Thus the management will not get anything in this financial year or in the next. Sir, it is difficult for the management in the circumstances mentioned above to run the institution. There are certain rules which lay down that such and such class of trained teachers should be employed by a high school and if the institution does not keep that

class of trained teachers the rules are that the grant-in-aid which is being given to the institution should be stopped at once. So, my submission is that especially those institutions which are getting a very meagre grant-in-aid should not have their grants lessened, but rather, if not increased, should remain the same as they are at present. Because from the protest of the teachers' conferences in all districts we cannot but come to the conclusion that really they are feeling the cut in grant-in-aid very much. I know in certain schools those teachers do not get increment at all for a number of years. In others they are sacrificing a lot in other ways. Supposing, for example, a head master of a school, who is fit for Rs. 150, but if we appoint a man he will be ready to accept even Rs. 100, but how can he sacrifice so much for a number of years? He sacrifices only thinking that the time will come soon when the Government will be kind enough to increase the grant-in-aid and the management will give him good salary. It will not be out of place to say here that in certain high schools boys are punished for not reading religious books. As far as I am aware of the educational rules boys cannot be compelled to read books which are religious because the schools are meant for secular education. I had a talk with the Inspector of Schools concerned and he said if he knew of such facts he can take action. Certain facts were noted down by the management of another institution and those matters were sent to the Inspector of Schools, but fortunately or unfortunately that Inspector was transferred and another man received these facts and they were not cared for at all. To sum up I submit only this, that, as I have said previously, the education department is a nation-building department, and especially those teachers, whose salary is already very meagre, should at least be cared for and there should be no cut in those institutions where these teachers are kept. With these words I finish my speech.

Rao Bahadur Thakur Bikram Singh: I rise to support the motion and I would strongly support it in view of the fact that institutions which materially and substantially deserve support really do not get it. The other day I also brought this complaint to the notice of the House. It is, Sir, very necessary indeed that institutions, whether they are colleges or schools, but they belong to backward classes who are educationally backward, must be given more sympathetic consideration from the pecuniary point of view. My friend also made a reference to some of the grievances and with your permission I will add one more. Lately, as the honourable Director will bear me out, in view of our very great desire and sincere efforts, we got one of the two Jat high schools raised to the status of an intermediate college, i.e., "The Jat Intermediate College, Lakhaoti." But to my surprise the grant remains the same. The Education Department, I am sure, will expect that intermediate college to be run on more efficient lines and more especially because it has been made an intermediate college in agriculture—really a subject which is so worthy of attention of every institution which really claims to belong to the agricultural classes. We of course need more funds

[Rao Bahadur Thakur Bikram Singh.]

for keeping agricultural implements, etc., in the college. We have to run it on modern lines if we are to train the students in agriculture on modern lines. Building also is a difficult problem and we have to meet that difficulty somehow or other. I am not for any extravagance on the part of the department or on the part of the school management. In the schools and colleges, Sir, we can only effect economy by reducing the pay of teachers ; but to my mind it is sheer cruelty to be more hard on them. Teachers do not deserve to be retrenched. As all of us are aware, this is the only department, education, where teachers have got no sort of other income : they have necessarily to depend on the amount which they actually get as pay. I recoil from the idea of reducing the pay of teachers. The other day when I was at the Government High School, Aligarh, I had an opportunity of addressing the staff of the institution and assured them, in anticipation of the sympathy of the Hon'ble Minister and the Director in charge, that we would try our best to see that their pay was restored. No sort of complaint was brought to my notice by the teachers voluntarily ; but naturally their pay has been retrenched, and I told them, while addressing the staff, that we shall do our best, when opportunity presents itself, to see that their original salaries are restored and that we would not like to be more hard on them.. With all respect to the Hon'ble Minister and the Director I would call their attention to one point, and it is this, that while we are grateful to Mr. Mackenzie for all the pains he took in giving encouragement to our community by raising one of our Jat schools in the province to the status of an Intermediate College, i.e., Lakhaoti, I should again strongly point out that the grant to the institution remains the same. I hope he will be fair and just to that institution which is practically his own tree and that he will like to see the fruits of that tree himself. With these few words and a very sincere appeal, and a deserving one, I lay stress on this point, that we must be given fairly increased grant to this College—not because I am interested in this one way or the other,—not only to this, but to all such institutions, because they are situated in rural areas and there are very few institutions of this kind and they deserve substantial help from Government, and I hope it will not be denied to them.. Government must recognise the claims of Jats whenever and wherever necessary and come forward with a substantial help.

***Rai Rajeshwar Bali** : Sir, as we are pressed for time I shall be very brief. I do not propose to move my own motion no. 32A and shall speak on this motion. My object in speaking on this motion is that the Retrenchment Committee contemplated in their report that in the case of aided institutions the same percentage of cut should not be applied to the salaries of teachers who are working there. The reasons are quite obvious. In the case of Government institutions there is a uniform standard maintained, but in the case of aided institutions it is very often that the teachers are employed on the lowest salary

possible. In fact at times not even a full living wage is given to them. Therefore it would be very hard on those school teachers if the same percentage of cut is applied in their case as in the case of those who are working in Government schools. I hope that the Director of Public Instruction will bear this fact in mind and will do his best to see that no hardship is caused to those teachers who are already very low paid. The second point which I wish to bring to his notice is that in case he decides to accept our recommendation, how is effect to be given to it? Whether it shall be open to those institutions to bring cases of hardship to his notice or whether it shall be left to the teachers to do it or what other procedure he would adopt to meet such cases of hardship.

Rai Rajeshwari Prasad : Sir, in connexion with this motion I want to raise one specific matter with regard to grants-in-aid to educational institutions. The Director of Public Instruction will remember that last summer he issued a circular letter with regard to the policy which will, in future, determine grants-in-aid to educational institutions. That letter says that grants-in-aid will now depend upon the discipline that is maintained in these institutions and discipline is further described by reference to participation in political activities and agitation by the members of the staff of those institutions. There is a general apprehension in the minds of the people that it is quite likely that the whole institution might suffer for the activities of one or two individual members of an institution as the grant-in-aid may be reduced by the amount of the pay of those teachers who participate in political activities. I would like the Director of Public Instruction to make a statement on that letter which he issued concerning the grants-in-aid.

Rai Bahadur Babu Vikramajit Singh: Sir, I join with my honourable friends who have just moved this motion that the policy of the Government with regard to grants-in-aid to secondary schools which are aided ought to be entirely different. Sir, we all want economy and retrenchment, but the idea of economy and retrenchment is that all unnecessary and wasteful expenditure ought to be avoided. The idea is not to cripple the existing institutions where there is no waste and no unnecessary expenditure. I can say from my personal knowledge, being connected with certain institutions, that the Education Department exercises great control and strictness in the matter of expenditure and I do not see that there is any wasteful expenditure in these schools. Therefore if any economy is effected in the running of these secondary schools or Intermediate Colleges I think, Sir, it will not be in the interests of education. The needs of education are paramount and economy ought to be effected in other spheres or in other departments where it may be found that there is waste in expenditure, but I do not think any useful purpose will be served by effecting economy and retrenchment in grants to aided schools and intermediate colleges. I find, Sir, from this budget at page 34 that Rs. 22,72,000 have been budgetted as against Rs. 24,49,000 for the year 1931-32. So that there is a

[Rai Bahadur Babu Vikramajit Singh.]

decrease in the amount of grants for educational institutions. I think it will be very hard indeed on these institutions. It must be realized that these aided schools and colleges supply a very great need of the province. These institutions are in the main run by public charity and private donations: there may be in some cases endowments too. But the Government knows that on account of the existing general depression it is very difficult for such institutions either to realize in full the income from endowments which may be in the shape of landed property, or to raise money by private donations. The normal income of these institutions has gone down, and it would be very hard if Government were further to adopt a policy of retrenchment here. My submission is that so far as the educational institutions are concerned, Government ought to adopt a liberal policy in the matter of grants. In this connection I should like to draw the attention of the Government to the fact that certain institutions stand in need of non-recurring grants, and for these they have been clamouring for several years past. Take, for example, the case of Bishambhar Nath Sanatan Dharam Intermediate College of Cawnpore. It will be remembered that about two years ago Mr. Mackenzie, speaking in this House, said that he was ashamed that he was not in a position to put the money required for this College in the budget. The amount has now been overdue. The first instalment was given some years ago and the balance of Rs. 38,000 has not been paid for the last several years. This College had to borrow money in order to put up a building, and the money has now to be repaid. It is no part of the policy of retrenchment to withhold the grants made to deserving institutions. Such an economy would be a false economy. Government should, therefore take the earliest opportunity of redeeming their obligations to the existing institutions. They may not be in a position to expand education by starting new colleges and schools, but certainly they should not withhold grants to the existing institutions. I know that the Hon'ble Minister for Education as well as his able Secretary and the Director of Public Instruction are great friends of education, and consequently it will not redound to their credit if in their regime these useful educational institutions are starved for want of funds or even if their activities are curtailed. I will, therefore, appeal to them to reconsider the position and not to retrench under the head of Education. If they want money, they should find that from some other department.

Thakur Muneshwar Bakhsh Singh: I have a similar motion in my name, but instead of moving it I propose to speak on the motion under discussion. The object of the motion is to draw the attention of the House to the indifference of the Education Department towards aided institutions. It is the primary duty of Government to educate the people of this province, and with this purpose the Government should run a sufficient number of schools. But if the department cannot run so many schools on account of financial stringency, then certainly it should give sufficient encouragement to those

institutions which are run by the generosity of some philanthropic individual or the public.

These institutions should be encouraged because they depend very much on the Government grants. It is the duty of the Government to provide for education, but if it cannot do so by itself, then certainly it should do its best to support these institutions. In this connexion I may point out to the House that last year I had moved a similar motion and the Director of Public Instruction had given an assurance that the question would be considered sympathetically. The institution to which I referred last year was the King George Kshattriya High School, Hardoi. I want to know whether the Director of Public Instruction looked into the question of grant-in-aid to this school, as he promised to do last year. In 1930-31 this school got a grant of Rs. 8,692, though in fact it was given a larger grant in the previous year. This larger grant probably was not admissible under the rules; so the grant for 1930-31 was reduced by Rs. 928 and this school actually received only Rs. 7,764. This year, that is, in 1931-32, I think owing to financial stringency the department has not increased the grants of such institutions, but it has maintained the previous grants. But I regret to find that although last year Rs. 8,692 were shown as the amount of the grant-in-aid for this school, this year it has got only Rs. 7,764. That is a recovery of the excess for 1929 which was made in 1930-31 seems to have been made again from this year's grant. This should not have been made as no such recovery was due. I will show from the figures of expenditure of this school that it deserved more aid this year. Last year the expenditure of the school was something over Rs. 22,000, but this year the budget was for more than Rs. 24,000. I do not mean that the Government should have given more grant, but still it should have maintained the same grant. So, this is to show to the House how sympathetically the case of this school has been considered by the Director of Public Instruction. Even the grant that was given before has not been maintained. I will now show to this House the number of enrolments and the work which this school is doing. There are more than 400 students on the roll of this school and the number of teachers is 21. Out of these teachers the majority are trained teachers. The result of this school has been improving every year, and I can say with certainty that the result of this school is better than the majority of Government schools. I will show to the House that, owing to the generosity of the Raja Bahadur of Katari, this school was founded. He spent large sums over the building—say more than a lakh and a half. He also endowed landed property worth about three lakhs to meet the annual expenditure from the income of this property. Such institutions, I think, deserve more aid, and I would request the Hon'ble Minister to visit this school once, so that he will be able to see what work this school is doing. I think that if he goes to this school, he will find it necessary to raise it to the Intermediate standard. Then I hope that we will be able to induce the Raja Bahadur also to help to some

[Thakur Muneshwar Bakhsh Singh.]

extent. I would, therefore, at present request that the grant which was given last year would be continued in the present year. The next year of course the school deserves more.

Khan Bahadur Hafiz Hidayat Husain: Sir, although I recognise that the department of Education is not unsympathetic towards secondary education, yet sometimes it is true that not enough money is given to those institutions which deserve it. The Department of Education is under a Scotchman, and the Scotchmen are careful of their money—to say the least of it. Mr. Mackenzie is sometimes too cautious, with the result that schools are sometimes starved which had deserved better. I can refer at this minute to a grant of about Rs. 15,000 that has been promised over and over again to the Muslim High School at Cawnpore for building a very necessary compound wall, and although promises have been lavish and sanctions have repeatedly been accorded, yet unfortunately the Scotchman's proverbial caution has come in and a very deserving institution has been denied that money so far. I recognise that in a year like this we cannot be very generous with our grants, but we must consider that special schools have special needs and special communities need special treatment. Therefore I appeal to the department of Education to be more generous to secondary schools in the allotment of their money and particularly to redeem the promises which they have made year after year to the Muslim High School at Cawnpore.

Khan Bahadur Maulvi Fasih ud-din: Sir, I had a similar motion in my name, but I could not move it on account of the fact that I came a bit late. I will, therefore, speak on this particular motion. I am not going to advocate the cause of this aided school or that, but I am going to point out a very important mistake in the educational policy of the Government. The present policy seems to be that the Government appropriates to its own self all the expenses for improving and initiating the educational activities in the provinces. It takes all the burden on its own shoulders and for that reason it spends much more money on Government secondary schools than on the aided schools. I think this is a very wrong policy. It is up to the Government in the Education Department to allow people to utilise the opportunities which are offered to them in the matter of education and gradually take up the whole of the responsibility on their shoulders. For this reason I am strongly of the opinion that the Government has no right to maintain a Government high school at a place where there is an equally well-equipped private aided school which can satisfy the needs of the people. This procedure if adopted by the Government will be cheaper and more efficient and will be in conformity with the feelings and the aspirations of the people themselves. People have begun to look upon Government institutions with an eye of suspicion and they are now coming forward in large numbers to start aided schools. I remember that when Mr. Chintamani happened to be the Minister of Education and when he visited Badaun he made a speech at one of these aided institutions

and he very clearly said that the policy was that Government schools had no right to exist if there was an aided school at a place. That policy the Government has never adopted and it is due to that non-adoption of that policy that we find a big cut in the grant that has been meted out to these aided institutions. The present figure of the budget is less than the figure of the old budget by as much as 2½ lakhs. It is less than the revised budget by about a lakh and some thousands. There should have been absolutely no cut under this particular head. If the Government wanted to save some money it could have very easily abolished some of the high schools side by side of which there were private institutions and enabled the people to have one more school if there was really a want for more than one school or more than two schools. It was for this very purpose that I have moved my cut.

Mr. A. H. Mackenzie: Honourable members in speaking on this motion have covered a pretty wide field. I shall deal with the various criticisms and suggestions as far as possible in the order in which they were made. First of all, Thakur Giriraj Singh referred to the cut in the pay of teachers in aided institutions. The action that the department have taken in this matter is that they have cut the grant-in-aid to aided institutions on the basis of a cut in the pay of the teachers. But that statement is subject to very important qualifications. First of all the department have not cut the grant-in-aid in the budget by the amount which would be yielded by a cut equal to the cut in the pay of Government servants. We have taken a cut equal only to two-thirds of the cut in the case of Government servants. We do not propose that this cut should apply uniformly in that manner to every aided institution. As Rai Rajeshwar Bali Sahib pointed out, there is a great difference between aided institutions and Government institutions. Also there is a great difference between one aided institution and another aided institution. It would be as unfair to apply a uniform cut to all aided institutions as it would be to apply to all aided institutions the same cut that is applied to Government institutions. Therefore, the department have taken as a cut in the case of boys' schools a round figure of one lakh and they say to the managers, "We do not compel you to make any cut at all. You need not make any cut in the pay of your teachers. We are making this cut in your grant-in-aid; if you can find the money in some other way by increasing your income or making economies in directions other than in salaries, you may do so, and the teachers need not suffer." But it may be said that this seems very plausible, for we know that aided institutions find it very difficult in these times to raise money. Some of them depend for their income on zamindari property. We know that this income has fallen, and it is because we know that the resources of aided schools are uncertain that we have kept a substantial part of this total cut in reserve to meet hard cases. Rai Rajeshwar Bali Sahib asked what would be the procedure for dealing with such cases. The department already have information which will enable them without making any

[Mr. A. H. Mackenzie.]

further inquiries to deal with hard cases. We know, for instance, the schools whose income has fallen on account of a fall in revenue from zamindari property, but there are no doubt other cases regarding which we have not got full information and managers of aided schools will be asked to represent, through the inspectors, hard cases to the department. I think that this statement should give some relief. I may say that I have the highest opinion of the good work that is being done in the great majority of aided secondary institutions, and I am grateful to managers and teachers for the way in which they have succeeded in maintaining discipline in these difficult times. I, therefore, would be the last man to hurt these institutions if I could possibly help it. I may say also that I have invited representatives from those institutions—representative teachers—to come to see me here next Monday, so that I may hear what they have got to say and I on my part may tell them how far the department can help them with the resources that are available. Before I pass from this subject, I may refer to one other matter, that is the extra income-tax which may fall on some teachers on account of the revision in the Income-tax rules. The department will meet the cost of the extra income-tax that falls on the teachers whose pay has been cut. Further the department in fixing the grants for the ensuing year will allow teachers the increments which they have earned.

Now I come to some specific cases. The honourable member for Azamgarh raised the case of a high school in Azamgarh, and Thakur Muneshwar Bakhsh Singh told us a tale about a school at Hardoi. It is of course impossible for me to deal with the cases of the grants to particular schools when they are raised in this manner during the budget debate. The department cannot be influenced in favour of a particular school simply because the name of that school is brought to the notice of the department during this debate, nor can the department in the least be influenced against a particular school because an honourable member ventilates grievances on this occasion. The department must be impartial, and deal with all such cases on their merits. I would suggest to honourable members who have any complaint about the grant-in-aid of a particular school to come to see me personally. I am prepared to show them all the papers, go through the budget with them and then, if they are not satisfied, the proper course would be to appeal against the department to the Government. I think that is the only reasonable way in which we can deal with such grievances. I may say, however, to comfort the honourable member for Azamgarh that I think he will get a pleasant surprise in the ensuing year regarding the particular school in which he is interested. I think the grant of that school has been increased on its merits. I think also that there has been an increase in the grant to the Kshattriya School at Hardoi, again an increase given on the merits of the case. Another particular case raised was by Rao Bahadur Thakur Bikram Singh. He

complained that there had been no increase in the grant in the current year for the Jat Intermediate College at Lakhaoti. My reply to that is that the school was raised to the Intermediate stage from July 1931, *i.e.*, after the budget had been framed. As in the case of other schools I shall go into this case on its merits, but as my friend, Rai Bahadur Vikramajit Singh, has referred to the school in Council, I should like to say publicly that I have the highest opinion of the devoted public work that has been done for that school by the Jat community and by Rai Bahadur Omar Singh in particular. This is a school of a special character that is rendering great service to the Jat community and, through them, to the whole country. I do not think there is any community that can repay the cost of education more than the Jat community, because they have all the qualities which, if developed by education, will enable them to render splendid public service to the whole country. I may, therefore, assure my honourable friend that the department will sympathetically consider the case of the Lakhaoti Intermediate College.

Now I come to particular requests made by my friends, Rai Bahadur Vikramajit Singh and Khan Bahadur Hafiz Hidayat Husain. One of them referred to a grant for the building of the Sanatan Dharam Intermediate College at Cawnpore and the other referred to the need of a compound wall for the Muslim School at Cawnpore. I know that both cases are very deserving and the department has done its best to secure money to meet these needs. I am personally very ashamed that we have not been able to get the money and I may say that when I was last in Cawnpore I saw Rai Bahadur Vikramajit Singh coming down a road, but I went out of my way to avoid him—I was ashamed to meet him. If the department has not been able to find this money, it is not because the department does not consider this to be a deserving case. I refer my honourable friends, so far as these cases are concerned, or for the matter of that any similar cases, to my friend, Mr. Teyen. Khan Bahadur Hafiz Hidayat Husain has referred also to the fact that I am a Scotsman. Living in Cawnpore, as he does, I think he is himself developing the Scottish accent, and knowing what Scotsmen have done for Cawnpore he must realize that against their vice of economy they have got some virtues as well. It is true that we have to watch very carefully every item of expenditure in our budget, but I do not think that we have been stingy in regard to secondary education. If honourable members will look at the figures carefully, they will find that expenditure on secondary education amounts to no less than 29 per cent. of our budget. That, I think, is a very large figure considering the leeway that we have to make up in primary education. I think, Sir, that I have covered the main points raised in the course of this discussion and I trust that the honourable mover will not embarrass me by reducing my budget by this rupee.

Rai Rajeshwari Prasad : The Director of Public Instruction has forgotten his own circular letter—the one that I mentioned. I wanted him to make a statement with regard to that to clear the point that I raised in my speech.

Mr. A. H. Mackenzie : The point raised by my honourable friend, I think, was this. The department issued a circular to the effect that the grant-in-aid to schools would be affected by the discipline of schools and they explained their view further by saying that if there was any teacher in a school who was taking a part in political movements subversive of Government, the grant-in-aid would be reduced by the amount of the salary of the teacher. Hitherto the rule was that the whole grant might be withdrawn if one or more teachers took part in movements subversive of Government. In practice it is difficult to apply a rule of that wide character and therefore the department have said that the grant-in-aid to a school will be reduced by the salaries of those teachers who take part in movements subversive of Government. The schools will, of course, suffer if they retain on their staffs such teachers, but they will not suffer if they take the obvious course. Since that rule was brought in, I can say with great pleasure that it has not been necessary for the department to apply it in a single case.

Thakur Muneshwar Bakhsh Singh : May I ask one question? Why was the grant of the Kshatriya High School reduced by Rs. 128 this year?

Mr. A. H. Mackenzie : It is, as I said, Sir, difficult for me to answer offhand questions of this sort regarding particular schools, but my recollection is that it was reduced because of the balance which the school had at the beginning of the year, the balance plus the grant being sufficient with income of the management to maintain the school.

Thakur Giriraj Singh : There is just one thing in the speech of the Director of Public Instruction which I do not understand. He said in his speech as reply that there has been no cut in the teachers' salaries but in the grant-in-aid. I think that a cut in grant-in-aid means a cut in teacher's salary. But in view of the assurance and promise given by the Director of Public Instruction before this House and in view of the assurance that the promise will be kept in the near future and the grant-in-aid of the Shri Krishna Pathshala will be increased, I see no alternative but beg to withdraw my motion.

The motion was, by leave, withdrawn.

Rai Rajeshwar Bali : I wish to bring to your notice, Sir, the fact that the Franchise Committee is meeting today this afternoon and if the House and Government agree some of the motions which are standing in my name may be taken up first.

The Hon'ble the President : In the name of the honourable member only?

Rai Rajeshwar Bali : Yes, Sir, I do not know about other members.

The Hon'ble the President : I want to know whether the honourable member speaks for himself or for other members of the Franchise Committee?

Rai Rajeshwar Bali : I refer to my motions only. I want to move motions Nos. 55 and 108.

The Hon'ble the President : Does any other member of the Franchise Committee want to discuss his motion in preference to others? I think these are a few of the motions for which preference is being sought. I hope the House has no objection.

Cries of no, no.

Rai Rajeshwar Bali : Sir, I beg to move that under sub-head "General Charges, A—Direction, 1. Pay of officers," a reduction of Re. 1 be made.

The object of my motion is to draw the attention of the House and of Government to the fact that at present there are three officers at the headquarters of the administration of education and it so happens that all the three officers at present are Europeans. For some time at least since the introduction of the reforms one Indian officer has always been associated at the headquarters and I need not mention that for seven or eight years Mr. Kichhlu was so associated. Then an additional post of Additional Assistant Director of Public Instruction was created and that post too was filled by an Indian. But lately as a result of retrenchment,—and in this matter the Retrenchment Committee made that proposal,—that post of Additional Assistant Director of Public Instruction has been abolished. So the result is that at present we are left with three officers all of whom are Europeans. I do not wish to raise this question on account of any racial discrimination, but I do so because I hope that the House will agree that after all it is best that at the headquarters of the administration some Indian should be there in order that the Indian viewpoint may find sufficient expression, particularly when it is found that policy regarding the administration of vernacular schools and such other matters in which Indians naturally can offer better advice, are moulded at the headquarters. I will not go into other aspects of this question at this stage, but if any other administrative difficulties are raised by the Government then I shall deal with them in the course of my reply.

Mr. A. H. Mackenzie : Mr. President, my honourable friend has rather sprung this motion on us. I thought it was so far down the list that we should never reach it, and therefore I am not perhaps prepared for it as fully as I might have been had he waited until the afternoon.

The first point in this connection I should like to make is that the problem of Indianizing the Secretariat is rather different in the Education department from what it is in reserved departments. The Indian Educational Service is a rapidly dying service. Most of its members have gone and, including Europeans and Indians, there are only nine left on the administrative side of whom only five are Europeans. Of these five three will have gone within the next five years or so. My friend, the Rai Sahib, has said that there are three posts at headquarters and that these three are held by European members of the Indian Educational Service. That statement is, I think, not quite correct in the form in which it was made. At any

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rate, I think it is liable to mislead members ; of course, I do not for a moment suggest that the Rai Sahib would intentionally mislead anybody. But the full facts are that at the headquarters of the Director's office there are really five posts which are posts of special responsibility. It does not very much matter what you call them ; they are there—five posts. One is the post of Director of Public Instruction, the second is the post of Deputy Director, the third is the post of Assistant Director, the fourth is the post of Secretary of the Board of High School and Intermediate Education and the fifth is the post of Registrar, Departmental Examinations, a post which was once in the Indian Educational Service. Although these two latter posts may be described as secretaryships one must not assume that they are merely clerical or mainly clerical. The Secretary of the Intermediate Board has a great deal to do with framing the policy of the Intermediate Board. He notes on every case of recognition of a high school, for instance.

Similarly, the Registrar of Departmental Examinations is not merely a superior clerk. He notes on cases regarding the curriculum of vernacular schools, the method of examinations, and so on. Of these five posts three are held by Europeans and two are held by Indians. But if the motion is that of the three posts—the Director, the Deputy Director and the Assistant Director—one should be held by an Indian member of the Indian Educational Service, my reply is that an Indian member of the Indian Educational Service is not available. I have said that there are nine officers in the Indian Educational Service on the administrative side ; four of these, including an Indian, are already at the headquarters office. Of the remaining five three are Indians. One is due to retire next year ; he has already been Assistant Director, and it would obviously be unsuitable to put him in as Assistant Director on the eve of his retirement. As regards the second, wild horses would not drag him to the Director's office because he has no desire to go there ; he wishes to remain where he is, as Principal of a college. As regards the third, he has had no experience yet as an Inspector of Schools, although I hope that he will be tried in that position soon. So that it is not possible to give effect to the proposal that Indians in the Indian Educational Service should occupy one of these three posts. But my friend, the Rai Sahib, may meet this point by saying, "Why not abolish one of these Indian Education Service posts and replace it by a Provincial Service post?" There again I would submit that the House ought to look at this question somewhat differently from the way in which they looked at it the other day. Members of the Indian Educational Service, whether European or Indian, have very few posts of high responsibility to look forward to. I do not say that the attraction of posts is wholly a matter of pay ; it certainly is not with men who put their work first, but, of course, it is to some extent ; pay is an attraction, but there is also the attraction of the responsibility of doing important work. In the Indian Educational Service there are very few such posts available, and one of the few openings that there are is

the prospect open to an Indian Educational Service officer of becoming the Director of Public Instruction in a province other than his own. I have been Director of Public Instruction in the United Provinces man and boy for I do not know how many years. I have been blocking promotion. In another province, too, Bihar and Orissa, the Director has been there for many years.

But the Secretary of State has ruled that officers can look forward to the post of Director of Public Instruction outside their own province. Recently the Director of Public Instruction for the North-West Frontier Province has been chosen from Bihar and Orissa. Is it fair that the few European officers who are left in the Indian Educational Service should be denied that experience that will enable them to qualify for the very few openings that there are available for them? I have put the whole case somewhat briefly on account of lack of preparation, but I have put it on grounds of equity and reasonableness. I do not want to quote rules, but as regards this question I ought to bring to the notice of the House that the decision on the matter does not lie with the Local Government and that the Secretary of State has ruled definitely that no Indian Educational Service post can be abolished as long as there is an Indian Educational Service officer who is qualified to hold it. The honourable member who has himself once been a Minister—my revered Minister as I used to describe him—although I was taken to task for using the possessive adjective—can quite understand that this is rather a delicate subject and I hope that with his usual fairness, especially by the good will of the House and the permission of the Chair he has been allowed to raise this question out of time, he will content himself with having brought this question to the notice of the Hon'ble the Minister.

Rai Rajeshwar Bali : Sir, the Director of Public Instruction has in a mild way taken me to task for having brought this question without notice.

Mr. A. H. Mackenzie : It was not my intention of taking you to task, Sir. I would never be guilty of that.

Rai Rajeshwar Bali : At any rate one of his pleas for my being more reasonable is that this question has been suddenly sprung upon him. I do not think he has been fair in describing it both in a technical and in a general way. If I were to refer him to private talks when he was asking various members what their motions related to, then in that way also I had given notice, but if we look at it from the technical point of view I believe the Hon'ble the Finance Member the other day stated here in the House that if any members of the Franchise Committee wanted their motions to be taken up earlier than the usual time the Government will not stand in their way. Therefore I do not think it is fair to describe this as any surprise sprung on the Government. Now, Sir, coming to the merits of the question the Director of Public Instruction has mentioned that in place of three there are at present five officers at the headquarters office of the Director of Public Instruction and in this he has included the

[Rai Rajeshwar Bali.]

Secretary of the Board of High School and Intermediate Education and the Registrar of Departmental Examinations. It certainly requires a stretch of imagination to include these two officers among those responsible for the policy of the Education department. As I said before, the Director of Public Instruction, the Deputy Director of Public Instruction and the Assistant Director of Public Instruction are more responsible for the policy of the department than the Secretary of the Board of Intermediate Education or the Registrar of Departmental Examinations. The Secretary is no more than a Secretary. He has to refer all questions for orders to the head of the department.

The Hon'ble the President : This motion relates to "Direction." I may point out to the honourable member that there is a separate head "Board of High School and Intermediate Education" at page 54. There is also a separate sub-head "Registrar of Departmental Examinations" at page 55.

Rai Rajeshwar Bali : I know that, Sir. I am referring to this because the Director made reference to the Secretary to the Board in his speech. Therefore, I submit that it would be very unfair to say that these two officers are in any way connected with the direction of the department. Here, if I may say so, the Director has attempted to do what he suggested that I was doing, though quite as unintentionally as I was supposed to do. Judged by the manner in which the budget is framed it will be obvious that these two officers have absolutely nothing to do with direction. Then, we have to see for ourselves how far they can direct the policy of the Government. They can do it in the same way as any Inspector of a division. It will, therefore, be extremely unfair to suggest that these two officers are responsible for the direction of the department as the three other officers I have named. I was surprised to hear that the Registrar of Departmental Examinations deals with the curriculum of studies for the vernacular schools. So far as I know, he does not deal with that kind of work.

Mr. A. H. Mackenzie : He advises the department on questions referred to him on the subject of vernacular education.

Rai Rajeshwar Bali : For that matter, every Inspector of Schools advises the department. What then is the difference between an Inspector and this officer? Both give advice to the department. My complaint is not that Indians do not find an opportunity to advise the department on matters relating to education, but that they do not have a direct hand in the direction of the department, and this, Sir, is quite a different proposition.

My friend, the Director of Public Instruction, said that there were only three Indians available for appointment to this post, which, he said, was reserved for members of the Indian Educational Service. One of these men, he said, was due to retire, the second did not want the post and the third had not sufficient experience. I do not

propose to refer to individuals in this connection, as it is somewhat invidious. I will not, therefore, approach the question from any personal point of view, nor is any personal question involved in it. I will discuss it only on merits. As the Director of Public Instruction himself admits, suppose no Indian officers of the Indian Educational Service are available to fill these posts, is it not possible for the Local Government to approach the Secretary of State to exclude one of these posts from being reserved for the Indian Educational Service? The Director has suggested that there are so few posts, to which members of the Indian Educational Service can look forward for promotion; and it is only proper that their number should not be decreased. Now, Sir, if anything, I think that his own contention adds an additional argument in favour of what I have been urging. In the first place, no posts have recently been abolished to which the members of the Indian Educational Service would look forward. Even in 1921-22 there were these three posts, and their number has not been decreased. So it cannot be said that a decrease has been made in their number already and no more decrease can be made. Secondly, there has been this change in the fact that the number of Indian Educational Service officers who were available for administrative posts in 1921-22 has considerably decreased, whereas there has been no decrease in the number of posts which were available for them. That is an additional argument why the number of such posts should be decreased, because otherwise what happens is only this that while the number of posts remains the same the number of officers available for them is reduced.

Mr. A. H. Mackenzie : Excuse me. The point I made was that the honourable member would deny us, the Europeans of the Indian Educational Service, the training which alone would qualify them for holding these posts.

Rai Rajeshwar Bali : I quite realize that this will mean an opportunity to a very limited number of European officers, far less in number than that of seven or eight years ago; but, on the other hand, it will also mean greater opportunity of training a larger number of Indian officers who on account of the present rules cannot get into the Indian Educational Service and who would have been in the Indian Educational Service but for the rules. Therefore you cannot say that because it would mean denying opportunity to a few European officers whose number can be counted on one's fingers, you should not give opening for training a large number of officers of the Provincial Service. Moreover, I am not asking that all these three posts should be made open to the members of the Provincial Service. All I want is that one of them be made open for members of that service. If there are three posts and for them five officers of the Indian Educational Service are available, it is only fair that one of these posts should be left open for the members of the Provincial Service. The five officers of the Indian Educational Service can easily find opportunity for training in the two posts.

[Rai Rajeshwar Bali.]

(Shaikh Muhammad Habibullah rose and wanted to put a question, but the Hon'ble the President ruled him out, saying that no dialogue can be entered into on the floor of the House.) I will just reply to the points which have been raised by the honourable member.

The Hon'ble the President : I do not know what point was made by the honourable member, but I do not want that members should enter into a dialogue here. The honourable speaker may go on with his speech.

Rai Rajeshwar Bali : Therefore in effect the proposal amounts to this : There are three posts included in the Directorate, three posts whose occupants are responsible for directing the administration and the policy of the Government in the Department of Education. One of these three posts was till lately held by an Indian and, if I may mention, that Indian was not in seniority the most senior officer available. It was given to him because it was desirable that an Indian should be there to guide and help the department. Lately that Indian has retired. Now all the three posts have been held by Europeans. It has been suggested that it would be unfair to other European members if all of them are not appointed to these posts. My reply is that their number has decreased to such an extent that if all the three posts are allowed to remain reserved for the members of the Indian Educational Service there would be practically no selection left. The posts would automatically be filled by the members of this service, no matter whether they are suitable or not. Of course, I do not wish to suggest that any of them are not suitable. But my point is that there is practically no selection left. What I ask the Government is that they should make a recommendation to the Secretary of State that of these three posts at least one may be made open to the members of the Provincial Service, in order that men who will have to control the policy of the department in future years when the Indian Educational Service has disappeared may get training from now. I do not think that my proposal is in any way unreasonable or inequitable, for after all we have to bear in mind that it is advisable and proper that in the matter of directing the policy of the administration of the department Indians should be associated. It is too late in the day to deny such association to Indians especially when this department is not a reserved department but a transferred one. This is all the more necessary, because the Indian Educational Service is, as has been pointed out by the Director, a dying service and very soon we shall have to appoint Indians to such responsible posts. It is only proper that they should get that training from now. Taking all these facts into consideration, I hope the Hon'ble the Minister will agree to convey the wishes of this House to the Secretary of State in this matter and will exert his influence in seeing that at least one of the three posts is made open to the Indians, because, as has been said by the Director, there is no other way for Indians to get their training unless the post is made open to the members of the Provincial Service. I therefore hope that the Hon'ble

the Minister will be prepared to accept my cut and will do his best and exert himself to see that justice is done to Indians ; not only justice is done but fair opportunities are given to them for getting that training on which the Director so much insisted.

Shaikh Muhammad Habibullah : I wanted to ask one question from the honourable mover. Whether he wants one of the three posts to be held by an Indian or that one of the three be held by a member of the Provincial Service, because after all a European is not excluded from the Provincial Service.

Rai Rajeshwar Bali : May I make it quite clear. My object is to get an Indian there. The Director has said that you cannot have an Indian from the Imperial Service. Therefore if his contention is correct, then I do not mind if the post is thrown open to the Indian Educational Service and if it is given to an Indian of the Provincial Service. If no Indian is available then I suggest that the post should be transferred from those reserved for the Imperial to the Provincial Service in order to get an Indian there.

Khan Bahadur Maulvi Fasih-ud-din : What is the motion ?

Rai Rajeshwar Bali : I have already made it clear.

The Hon'ble the Minister for Education : I have listened to the debate on this subject with the greatest of attention. I was not prepared for it just now and I do not know all the facts of the case. Obviously there are two sides to the question and we have heard both. All that I can say at present is that I will look into the question impartially and see what can be done. The Council has seen that it is more or less of a tangled skein and it is very difficult for me to give a decision straight away. I hope this will satisfy the honourable mover. I will give the matter my most sympathetic consideration.

Rai Rajeshwar Bali : I am sorry I cannot make a second speech. It is unfortunate that the Hon'ble the Minister did not reply earlier, then I could have replied. I may be allowed to put one or two questions.

The Hon'ble the President : Questions can be put.

Rai Rajeshwar Bali : Did the Hon'ble the Minister ever consider that it was in the interests of good administration in his department that no Indian is associated in the direction or is it a new question to him altogether ?

The Hon'ble the Minister for Education : The question has not struck me on racial lines.

Rai Rajeshwar Bali : Does the Minister consider that it is a tangled question as he said just now. The point raised was that either give an opportunity to an Indian to get there which I do not think is a tangled question, or in case it is not feasible, then open the post to the Provincial Service.

The Hon'ble the President : The answer is there. What does not appear to be a tangled question to the honourable member may appear so to the Hon'ble the Minister.

The Hon'ble the Minister for Education : Obviously there are rules on the subject. We shall have to refer the matter to the Secretary of State ; there are claims of various people to be considered. We will do all that and I will do all I can to meet the wishes of the honourable member.

Rai Rajeshwar Bali : I do not propose to withdraw it.

The Hon'ble the President : The House has heard the object of the mover. It has been clearly elucidated. The question is that under sub-head " General charges, A—Direction, 1. Pay of officers," a reduction of Re. 1 be made.

The question was put and agreed to after division, the voting being
ayes, 44 : noes, 26.

Ayes (44).

Abdul Bari, Khan Bahadur, Mr. Muhammad.
Ambikeshwar Pratap Singh, Lal.
Awadh Behari Lal, Rai Bahadur, Babu.
Bikram Singh, Rao Bahadur, Thakur.
Brijnandan Lal, Mr.
Dahari, Mr.
Diwakar Prakash Singh, Kunwar.
Dharya Singh, Chaudhri.
Fasih-ud-din, Khan Bahadur, Maulvi.
Gajadhar Prasad, Munshi.
Ghasita, Chaudhri.
Giriraj Singh, Thakur.
Habibullah, Khan Bahadur, Maulvi Saiyid.
Hadiyar Khan, Khan Sahib, Muhammad.
Hanuman Singh, Rai Bahadur, Thakur.
Hidayat Husain, Khan Bahadur, Hafiz.
Imtiaz Ahmad, Muhammad.
Jafer Hossain, Khan Bahadur, Saiyid.
Jagannath Bakhsh Singh, Raja.
Jagarnath, Chaudhri.
Jagbhan Singh, Kunwar.
Jagadeva Roy, Rai Bahadur, Babu.
Jamshed Ali Khan, Captain Nawab Muhammad.

Jang Bahadur Singh, Bisht Thakur.
Jwala Saran Kothiwalla, Sahu.
Kali Charan Misra, Hony. Lieut. Raja.
Kanta Nath, Babu.
Keshava Chandra Singh, Thakur.
Krishna Pal, Singh, Rao.
Liaquat Ali Khan, Nawabzada Muhammad.
Muhammad Mehdj, Raja Saiyid.
Muneshwar Bakhsh Singh, Thakur.
Narsingh Rao, Rao.
Nisarullah, M.
Perma, Mr.
Rajeshwar Bali, Rai.
Rajeshwari Prasad, Rai.
Ram Chandra, Chaudhri.
Sadayatan Pande, Pandit Shri.
Sardar Singh, Rao Bahadur, Kunwar.
Shakirdad Khan, Sirdar Muhammad.
Shiva Pati Singh, Rai Bahadur, Thakur.
Surendra Pratap Sahi, Rai Bahadur, Kunwar.
Tappu, Mr.

Noes (26).

Ahmad Sa'id Khan, the Hon'ble Captain
Nawab Sir Muhammad,
Ain-ud-din, Khan Bahadur, Saiyid.
Arjuna Singh, Chaudhri.
Baldeva, Chaudhri.
Bennett, Mr. J. R. W.
Bharos, Chaudhri.
Bhondwa, Mr.
Bisheshwar Dayal Seth, Rai Bahadur, Kunwar.
Blunt, The Hon'ble Mr. E. A. H.
Canning, Mr. F.
Clay, Mr. J. M.
Dunn, Lt.-Col. C. L.

Girwar Singh, Kunwar.
Hollins, Mr. S. T.
Lano, Mr. H. A.
Mackenzie, Mr. A. H.
Mascon, Mr. P.
Mehta, Mr. V. N.
Muhammad Yusuf, The Hon'ble Nawab.
Oppenheim, Mr. E. F.
Rama Charana, Rai Sahib, Babu.
Srivastava, The Hon'ble Mr. J. P.
Srivastava, Mrs. Kailash.
Suraj Din Bajpai, Rai Bahadur, Pandit.
Teyen, Mr. C. St. L.
Vikramajit Singh, Rai Bahadur, Babu.

Khan Bahadur Maulvi Fasih-ud-din : Sir, I have to attend the Franchise Committee. I want to move three motions of a very brief nature.

The Hon'ble the President : I am afraid I must put Rai Rajeshwar Bali's motion first and then take up the honourable mover's. If honourable members will only be brief we can do all this in no time.

Rai Rajeshwar Bali : Sir, I beg to move that under sub-head "General charges, H-12—Grant to Seva Samiti, Allahabad," a reduction of Re. 1 be made. The object of my motion is that I find the grant to the Seva Samiti has been reduced from Rs. 25,000 to Rs. 15,000 this year. I wish to bring to the notice of the Hon'ble the Minister that if he cannot restore it to Rs. 25,000, he may at least make it Rs. 20,000. I need not say that the Seva Samiti of Allahabad is doing very useful work and as such, such non-official agencies should receive encouragement. I hope the Hon'ble the Minister will agree to my proposal.

Shaikh Muhammad Habibullah : I would like to speak on this, with your permission. In fact I could not move a token cut, because if the grant to the Seva Samiti under the head of Education is permissible, it is permissible, but if not, it should go altogether and not be reduced by one rupee. If I am asked to testify to the work of the Seva Samiti, I would give them an A-1 certificate ; but the whole question is this, whether a body constituted as the Seva Samiti is, has any claim on the money that has been set apart for education. Their work is social and if they deserve anything it is under the head of fairs or similar items of this nature. We always make grants for fairs, sanitation and other things ; but, Sir, the mere fact that they are a registered body and they do this kind of work, they should come forward and claim a grant from education—I am at a loss to understand, and unless a satisfactory explanation is coming from the Government benches I will not be convinced. I will not consider the explanation satisfactory if they say all this has been in the budget for so many past years. I brought this cut several times, but I have had no occasion to discuss it. But now I discuss it on principle. I want the genesis of this grant to be explained as to how by any stretch of imagination it comes under the head of education, and, Sir, if that is not explained, I will move my cut for the entire grant.

The Hon'ble the Minister for Education : I do not know how to reply to my friend Shaikh Sahib. The money has been found by my department all these years and I think we have still to continue doing that. If this department does not give the money, I do not know what other department can. Shaikh Sahib has not found a solution for that.

As regards the cut itself, I accept the suggestion of the honourable mover and, subject to the sanction of the Finance department, I will raise the grant to Rs. 20,000.

Rai Rajeshwar Bali : First of all, I must express my gratitude to the Hon'ble the Minister for agreeing to my proposition and I hope that the House will be grateful to him for the sympathy which he has shown to the Seva Samiti, for even my friend on my right has agreed that the work of the Seva Samiti is such that he would give them an A-1 certificate. Therefore, there are no two opinions on this question.

Now coming to the point raised by my friend, Shaikh Muhammad Habibullah, who doubts whether the activities of the Seva Samiti

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come under the head of Education, I would refer him to two facts. In the first place a part of this grant is spent on educational purposes. I believe they have got some activities which come directly under Education. Secondly, their activities are of such a nature that they help indirectly in the formation of character. If scouting could come under the head of Education, surely the work of the Seva Samiti should also be included. I believe the honourable member is under a misapprehension. He considers that the Seva Samiti's work is concerned chiefly with the management at fairs, but that is not so. It is only a part of their activities. Their activities lie in other spheres also and one of them is, of course, the scout movement. Their activities concern mostly the student community, which help both directly and indirectly in the formation of their character. Therefore I hope he will not press his point and will allow this money to be given to an association which is doing such useful work for our students. In view of the assurance given by the Hon'ble the Minister that he will do his best to increase the grant, I do not wish to press my motion.

Shaikh Muhammad Habibullah : Have I any right of reply ?

The Hon'ble the President : I am afraid not.

The motion was, by leave, withdrawn.

Khan Bahadur Maulvi Fasih-ud-din : I beg to move a token cut of Re. 1 under sub-head " Special education, A—Government schools, (c) Reformatory School. "

I find that the budget under this sub-head has been put at Rs. 44,000 and there is a sweeping reduction in the budget as compared with the budget of last year.

The Reformatory School at Chunar is doing useful work in the matter of forming the character of juvenile offenders, which prevents them from pursuing the path of crime. It gives them liberal education which enables them to pursue an honourable vocation when they grow older. It is a pity that on account of this reduction in the budget of the Education department the Reformatory School had to cut down its grant for agricultural training, which was a very necessary and useful branch. It enabled the boys of cultivators to learn cultivation and it was one of the most essential features of this institution and the unfortunate action of the Government in cutting down the agricultural grant is likely to produce very injurious and baneful results.

Rai Bahadur Thakur Hanuman Singh : Sir, I have got a similar motion standing in my name, but without moving my own motion I wish to speak on the motion which has been moved by my honourable friend, Maulvi Fasih-ud-din. I just want to bring to the notice of the Government that there is a Government dispensary at Chunar, but from the provision made in the budget I find that there is a sub-assistant surgeon specially appointed for the Reformatory School. I do not think that the medical work in the Reformatory School is so heavy that it requires the services of a whole-time sub-assistant

surgeon. If the Government will entrust this medical work to the sub-assistant surgeon in charge of the Government dispensary and abolish the post of the sub-assistant surgeon appointed for the Reformatory School, it will result in a saving. No doubt, the sub-assistant surgeon, who will be given this additional work, may have to be given some allowance, but the Government may find out how much work in addition to his present work he will have to do and then if an extra allowance has to be given, there will still be some saving.

Pandit Shri Sadayatan Pande : I have also got a similar motion, 51A, standing in my name, but without moving my own motion I should like to speak briefly on the motion which is now before the House. It has been acknowledged by the Education department that the work of the Reformatory School at Chunar has been very satisfactory and that the jail atmosphere of the Reformatory has been converted into that of an educational and industrial institution under the present Superintendent, Mr. Drummond. I understand that he is about to retire shortly and, if so, the good work which has been done under his supervision and which has remained half finished will be adversely affected by his ensuing retirement. For that purpose the public of Chunar has, I understand, applied to the Director of Public Instruction to give him . . .

Mr. A. H. Mackenzie : I rise to a point of order. I think you have deprecated honourable members referring to cases of particular officers in the course of these discussions.

The Hon'ble the President : What is the honourable member referring to ? I have not been able to follow.

Pandit Shri Sadayatan Pande : I am simply driving at a point which would do much good to the Reformatory School : it relates to the retention of a particular superintendent. No personality is involved in the point. I simply meant to say that there is a public representation that by the retention of that particular officer for a certain period the work of the Reformatory School which is going greatly towards improvement will be strengthened. My point is that it would not be a novel thing if the desired extension on the representation of the public of Chunar is granted. Several branches in industrial training have been opened at the Reformatory School, so in order to keep them up and develop them and in order to make the boys more useful in the different branches of industries, no reduction should be made in the grants but enhanced.

Mr. A. H. Mackenzie : Mr. President, the honourable mover referred to the reduction that has been made in the budget of the Reformatory School. A close examination of the budget will show that the main reduction has been made under the head "Dietary charges;" the reason for that is that the price of foodstuffs has fallen and therefore the department were able to make this reduction without affecting the efficiency of the Reformatory School. It is not a fact that the

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agricultural class has been abolished merely on account of retrenchment and with a desire to economize. The Reformatory School gives practical training of various sorts : for instance, carpentry, leather work, cane work, but the superintendent to whom Mr. Pandey has given a testimonial has said that scientific training in agriculture is not suitable for the boys and that the work done in agriculture has not been a success. It was on his recommendation that the department abolished the class in agriculture, but they will be prepared to continue training in agriculture of a simple character suited to the type of boys who go to that institute : for instance, market gardening is probably a form of training that would be much more suitable for them than a training in agriculture and I shall consider, in consultation with the superintendent, whether we could not give some training in market gardening in place of the more scientific training in agriculture that has been given in the past.

Another speaker referred to medical attendance. The colony at Chunar, the Fort colony, has over two hundred people in it. We think that it is not satisfactory to entrust the medical attendance to an assistant surgeon who has got other work to do.

Many of the boys who attend the Reformatory School are very poorly nourished. They easily contract fever and other ills, and it is very necessary to have somebody always on the spot who can give them proper attention. The results of a severe epidemic there would be very serious if the department did not retain a sub-assistant surgeon. After all the cost of a sub-assistant surgeon is very little, and I think that in the interests of the Reformatory, it is necessary to retain him. My honourable friend, Mr. Pandey, has referred to the question of the retention of the superintendent. All I can say on that point is that when the representation to which he has referred reaches the Government they will examine it with care.

Khan Bahadur Hafiz Hidayat Husain : Sir, I am not at all surprised with the speech of the honourable Director of Education. But, is it not a fact that most of the boys that are sent to the Reformatory School at Chunar are recruited from the agricultural class, and if these boys who are sent to the Reformatory School are not taught improved methods of agriculture, what advantage would be gained by sending them there and how will they be able to carry on their hereditary profession. The Reformatory School was visited by the Jails Inquiry Committee in 1929 and the members were struck with the improvement that these boys were making in agriculture. I am surprised to hear today that because reports relating to the agricultural section were not favourable and that too in a place like Mirzapur, therefore abolition of the agricultural class is contemplated. It is very unfair to say the least for those boys who are sent there to abolish a class in which they would have profited on account of the fact that that profession is their hereditary profession. I urge, Sir, that the class be maintained.

Mr. V. N. Mehta : Sir, I had not the slightest intention to speak on the subject, but when the question of the Chunar Reformatory School came up I thought that I might be able to explain as regards the after-training employment of students about which I came to know as a district officer. I used to be attached to the Mirzapur district so I know the Chunar training institution or the Reformatory School, and as Collector of Benares I came across a number of ex-students of that institution, if I may use the term. The majority of the convicts who are sent there are residents of urban areas and the district officer, in consultation with the advisory committee, has to see that they are established in life when they come back from the reformatory institution. And I have found that the training given as a market gardener, the training given in carpentry and in tailoring are the three professions which paid the ex-students best. There is a ready demand for a trained gardener in Benares as well as in Mirzapur, and as soon as the Collector gets information that convicts due for release within six weeks' period are there, he calls his advisory committee and, in consultation with them, calls people who can employ them and the young men are placed in a profession. I think the step taken, that is the training given in market gardening, will not be very different from what Khan Bahadur Maulvi Fasih-ud-din desires. If the young boy is taught even agriculture—in French it is called "Petite culture"—that training will not be very different from what is given as gardener. There are places in the Fort area where plots are laid out and the delinquent is taught there how to cultivate a garden, how to lay it out and how to be a good gardener. I think the training the honourable member has in view will be imparted in a much more vocational manner if he is trained as a gardener. I speak, Sir, from personal experience as I had to do with settling several ex-students of the reformatory and I have found that this profession paid the best.

Khan Bahadur Maulvi Fasih-ud-din : May I ask a question, Sir—How long ago was he at Mirzapur ?

Mr. V. N. Mehta : I was at Mirzapur as an Assistant Collector fourteen years ago. That is why I came to know of it. But also as Collector of Benares four years ago I used to deal with students coming back to Benares. There is no difference between what the honourable member has in view and market gardening. The type of training for a young man in agriculture is not very different from the type of training given as market gardener in Chunar.

Khan Bahadur Maulvi Fasih-ud-din : May I ask another question ? Is it a fact that the agricultural inspector has been dismissed because the department was to be abolished ?

Mr. V. N. Mehta : Sir, I will appeal to you again as my colleague, the Director of Public Instruction, did. It would be a bad day for the Council if honourable members would bring in proposals before us because a particular individual was being affected as a result of policy. This is the only reply I can give.

Khan Bahadur Maulvi Fasih-ud-din : I am not at all satisfied with the explanation given. I find, as a matter of fact, that the agricultural section has been discontinued and the agricultural inspector who was posted by the Department of Agriculture to that place has been given notice, that as his department was going to be abolished therefore he would have to leave his post in a month or two. That is a fact which has come to my knowledge.

The Hon'ble the President : Does the honourable member want the verdict of the House on the reinstatement of this man or what ?

Khan Bahadur Maulvi Fasih-ud-din : No, Sir. I want the verdict of the House on retaining the section—the agricultural section. It appears that the agricultural section has been abolished and there is no question of keeping the garden section or any other section because that was attached to the agricultural section. The honourable Education Secretary admits that he was in Mirzapur fourteen years back and found out then that most of the boys who went to the school belonged to urban areas. But it is my life-long experience as a magistrate that a large number of village boys are also sent there. And during the thirty years of my service as a Deputy Collector and as District Officer I have sent myself hundreds of boys belonging to the rural area. The figures of the non-agriculturist boys have not been given to us at all.

For that reason I hope that the Department of Education will look into this carefully and satisfy itself not on the basis of the report of the Superintendent of the Reformatory School but on the basis of a careful and detailed inquiry, as to whether the section ought to be maintained or not, and if the Hon'ble the Minister gives me that assurance I will be very glad to withdraw the motion.

The Hon'ble the Minister for Education : I readily give that assurance. I shall myself look into the matter and see what is the best to be done.

Khan Bahadur Maulvi Fasih-ud-din : I withdraw the motion.

The motion was, by leave, withdrawn.

Khan Bahadur Maulvi Fasih-ud-din : I beg to move a substantial cut of Rs. 5,558 under the head "Special Education".

Sir, I find that this year's budget amounts to Rs. 1,68,000 as against the revised budget of Rs. 1,62,000 odd. In other words, there is an excess in expenditure to the extent of Rs. 5,556. I move that this excess be cut down. We have been seeing that the budgets of some very important sections of this department—I mean University education, secondary education and also primary education—have been considerably curtailed, but the budget of this Special Education section has been raised by over Rs. 5,000. We expected a reduction in this item, too, but if a reduction is not possible then at least the increase ought to be done away with.

Pandit Shri Sadayatan Pandey : I am afraid I may not have an opportunity to move my motion, 53A ; therefore I take this

opportunity of saying what I have got to say on that. My point is that the Sanskrit Pathshala. . . .

The Hon'ble the President : I am afraid this cut is for a different matter. It is a substantial cut for economy, and not to raise a question of policy. That will come later.

Mr. A. H. Mackenzie : I am not quite sure if my honourable friend, the Khan Bahadur, has realized what would be the effect of this cut. The grants to which he refers are grants-in-aid for Arabic madrasahs and Sanskrit pathshalas. The increase in grant-in-aid has been earned under the ordinary grant-in-aid rules. If this cut is made the only way by which the department can make it is by refusing to give these institutions the additional grants-in-aid which they have earned under the rules. I do not think that my honourable friend will find himself very popular with the managers of the madrasahs if he presses for this cut.

Pandit Shri Sadayatan Pandey : May I ask a question, Sir ? Will the Director of Public Instruction let me know for which particular section of oriental learning this increase of Rs. 5,558 is to be given—whether for Arabic madrasahs or Sanskrit pathshalas ?

Mr. A. H. Mackenzie : For both together.

Khan Bahadur Maulvi Fasih-ud-din : I beg to submit, Sir, that it does not matter whether the grant is for Arabic schools or for Sanskrit pathshalas. We should follow one principle in these days of financial stringency. If we have cut down the grants under Primary Education and under other more important heads there is no reason that there should be an addition to the grant in connection with these Arabic schools and Sanskrit pathshalas. One ought to be fair.

The Hon'ble the President : The question is that under sub-head " Special education, B—Grants to non-Government schools, " a reduction of Rs. 5,558 be made.

The question was put and negatived.

Khan Bahadur Hafiz Hidayat Husain : I beg to move that under sub-head " B—Inspection, Total, B, " a reduction of Re. 1 be made.

My object in moving this cut is to draw the attention of the department to the fact that it is likely that, with the reduction of the inspectorial staff, the efficiency of teaching may suffer, and therefore I want to inquire from the Director of Public Instruction whether he has taken good care to see that, with the reduction in the inspectorial staff, there would be no deterioration in education—in other words, whether he has sufficient inspectorial staff for the purpose. For example, the Inspector of the Jhansi division is going to be brought under the axe. Education in Bundelkhand is in a very backward state and my fear is that with the reduction of the post of Inspector of the Jhansi division the education in Jhansi may suffer. So also with other divisions. Therefore I ask if the Director has satisfied himself that education in these divisions whose Inspectors are going to be abolished will not suffer.

Mr. A. H. Mackenzie : In answer to my honourable friend I must say that in my opinion education will suffer. There will, of course, be some diminution in efficiency. But I understand that during these very difficult times some diminution in efficiency must be expected. We have already reached the very bedrock regarding our inspecting staff, and when the provincial finances improve, we must increase the number of our Divisional Inspectors.

Khan Bahadur Hafiz Hidayat Husain : I beg to withdraw the motion.

The motion was, by leave, withdrawn.

Khan Bahadur Hafiz Hidayat Husain : I beg to move that under sub-head "7—Grant to Hindustani Academy," a reduction of Re. 1 be made.

The Hindustani Academy was started under the régime of my honourable friend, Rai Rajeshwar Bali, with the object of promoting indigenous literature on the lines of the languages of the West. Sir, I took a share in the creation of the Hindustani Academy by moving a resolution in this House, and my honourable friend, Rai Rajeshwar Bali, was patriotic enough to accept the resolution. Rupees 50,000 have been allotted every year for the promotion and growth of indigenous literature. This amount was never nearly enough for the purposes of the Academy. Of this Academy a very distinguished countryman of ours, Pandit Sir Tej Bahadur Sapru, is the president. He gives a thousand rupees every year to this Academy, and the Hon'ble Sir Shah Muhammad Sulaiman devotes a considerable time of his to the work of the Academy. Indeed, the work which the Academy has been doing is both considerable and creditable. Lectures are given, original books are written and old manuscripts are unearthed and translated for the purpose of comparative studies. Both in Hindi and Urdu real research work is being done.

Unfortunately during the last year the grant was reduced from Rs. 50,000 to Rs. 30,000. In the current year the grant has been budgeted at Rs. 40,000. I hope the Hon'ble the Minister will be patriotic enough to promise to the House that he will restore the normal grant of Rs. 50,000 to this Academy and that the activities of this institution will not be made to suffer in future years.

The Hon'ble the Minister for Education : We reduced the grant of the Hindustani Academy by Rs. 10,000 on the recommendation of the Retrenchment Committee. We did not do so of our own accord. I confess I do not know much about the working of this Academy, but I have a mind to go to Allahabad and study things for myself there on the spot. All that I have been told is that the Academy spends a very large part of its money on administrative staff, which certainly does not help directly the cause of literature which it is supposed to encourage.

We must, of course, observe economy these days, and I believe it was on that account that the Retrenchment Committee recommended that the grant be reduced by Rs. 10,000. We have merely accepted the recommendation of the Retrenchment Committee.

*** Rai Rajeshwar Bali :** I had no intention to intervene in this debate but for the statement of the Hon'ble the Minister. He said that this cut had been recommended by the Retrenchment Committee. As a matter of fact, this cut of Rs. 10,000 was scheduled by the Government. If the Hon'ble the Minister or the members of Government will look at page 9, chapter III of the report of the Retrenchment Committee, they will find that this Rs. 10,000 was reduced at the instance of the Government. What the Retrenchment Committee did was that they accepted the cut by a majority. The initiative was taken by them from the Government; and some members of the committee accepted that proposal. It may be noticed here that at least two of us did not agree with the majority view. I would, therefore, join the appeal of my friend Hafiz Hidayat Husain to the Hon'ble the Minister to take more active interest in this matter, and I am sure that when he goes to Allahabad and sees the work first-hand, he will be quite satisfied that the institution is doing useful work. I hope that in that case he will move the Finance department to restore the old grant. As a matter of fact, I always considered that this grant of Rs. 50,000 was inadequate, and I had contemplated at that time that very soon we should have to raise the grant. It is really unfortunate that it should have been cut down.

Raja Jagannath Bakhsh Singh : Sir, as a member of the Retrenchment Committee, I think that I must bring to the notice of this House that the committee was strongly of opinion that there is room for retrenchment in this item no less than in any other. If the honourable members would refer to the page already referred to by the honourable member of Bara Banki, they will find at the end of paragraph 4, sub-paragraph (a) that the members of the Retrenchment Committee were disposed to go further and reduce the grant by another Rs. 5,000. In fact, they suggested a reduction of a bigger sum than Rs. 10,000; but because certain members were of different opinion, the majority agreed to the cut of Rs. 10,000 only. I would, therefore, press the view that it is our duty to support the retrenchments suggested by the committee and for the matter of that any other retrenchment that we may be able to suggest at the present time in the budget. Certainly it is our duty to stand by the recommendation of the Retrenchment Committee with regard to the reduction in this item, because so far as we discussed it in that committee, we discussed it thoroughly. There were reasons and there was certain information in the possession of the committee, which I do not like to repeat here unless pressed for, which made this cut necessary. But certainly a reduction was necessary in this item. I therefore support the recommendation of the Retrenchment Committee.

Mr. C. St. L. Teyen : Sir, the only remark to which I wish to draw the attention of the House is the suggestion or inference in the remarks of Rai Rajeshwar Bali that this cut was solely on the initiative of the Government. That is only partly correct. The

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Council in the July session objected to the scheduled reductions; and the resolution accepted by the Government provided that the Retrenchment Committee would report on the statement of accounts scheduled for reduction. Chapter III of the Retrenchment Committee's report, first paragraph, says—"We are satisfied that the reductions are generally in order, and have only to bring the following points to notice." This particular cut was accepted by the majority who wished to make a further reduction of Rs. 10,000. I am only stating the facts as presented in the report of the committee.

Khan Bahadur Maulvi Fasih-ud-din : Sir, before I heard the speech of my honourable friend on the right just a few minutes ago I was under the impression that there was a great wastage in connection with this grant to the national Academy. I did receive information from those who were directly connected with the work of this Academy that a good deal of money was spent over the staff, that a certain section of people used to receive orders for translation on a very high rate to the exclusion of others who wanted low rates, and that the right class of books, both Hindi and Sanskrit and English, were not selected for the purposes of translation, and also that there was no method in the work of this Academy relating to the particular department of language or literature or science which ought to be patronized by that Academy in the matter of promotion of knowledge. All these allegations were made to me and to many other friends of mine. But when I heard the speech of my honourable friend on the right I had to change my opinion in so far that the matter requires a thorough sifting and an inquiry by the Government before the grant is increased.

Khan Bahadur Hafiz Hidayat Husain : Sir, I welcome an inquiry, if any is to be initiated by the Hon'ble the Minister. The charge about the Academy staff being highly paid is itself a very exaggerated one.

The Hon'ble the Minister for Education : I did not say that the staff is overpaid. I said that a large portion of funds goes towards the payment of the staff.

Khan Bahadur Hafiz Hidayat Husain : Very well, let us examine the question if what the Hon'ble the Minister and my honourable friend on the left say that a large portion of the fund goes towards the payment of the staff. The Secretary, Dr. Tara Chand, is being paid only Rs. 100 a month. I do not think that any individual of Dr. Tara Chand's culture, refinement and knowledge can be found for the Academy to work on Rs. 100 a month. Then we have Urdu and Hindi experts who are paid Rs. 100 to Rs. 200. Of course the superintendent of office, who looks after the library, the classification of books and generally manages the office is being paid a little over Rs. 200. In no case can it be said that any member of the staff is being paid a whit more than his merits deserve or that anybody has been engaged who is not absolutely necessary. Over and above this we have very recently made a reduction of 10 per cent. in their salaries. I will not press this resolution to a division, but I would certainly submit that it

is due to the Hon'ble the Minister now, after hearing the speeches of the honourable members, to personally investigate the matter, to see the President, Sir Tej Bahadur Sapru, the Chairman of the Committee, Sir Shah Muhammad Sulaiman, and inquire from them personally how useful is the work the Hindustani Academy is doing. If after this the Government does not pay due attention to the Academy, it will lay itself open to the charge of deliberately injuring and obstructing the progress of indigenous literature of these provinces.

The motion was, by leave, withdrawn.

Thakur Keshava Chandra Singh : I beg to move that under sub-head "Primary education, B—Boys, 1. Grants to district boards," a reduction of Re. 1 be made.

My object in moving this cut is to know what the policy of the Government is regarding the expansion of the scheme of rural knowledge. A resolution to this effect was moved by this honourable House on July 25, 1931. It runs thus :—

"That this Council recommends to the Government to be pleased to reconsider its decision postponing the expansion of the scheme of rural knowledge in the vernacular middle schools of these provinces and to introduce it uniformly in all the districts by spending the amount sanctioned in the budget."

We all know that this resolution was not given effect to and the result is that this year they are not opening a single rural knowledge class in the rural areas of these provinces. When this resolution was moved the protest was raised on behalf of the Government benches that the resolution was being moved under a misapprehension. I shall quote the words of the Director of Public Instruction himself which he used then—

"Now, this resolution says that the Government should be asked to reconsider their decision, postponing the expansion of the scheme of rural knowledge in middle vernacular schools. I am afraid that the honourable member before drafting the resolution did not make himself fully acquainted with the facts. Government have not decided to postpone the expansion of the scheme. So the question of reconsideration of a decision to that effect does not arise."

I refuse to believe that the learned Director of Public Instruction could not foresee what other members of this House did foresee, viz., that as a result of the decision which was arrived at in 1931, no rural knowledge class could be opened in 1932. This is actually what has happened now. I made a complaint when moving the said resolution that favouritism had been shown to certain districts at the cost of other districts. The position at present is that in some of the districts most of the vernacular middle schools have rural knowledge classes attached to them, whereas there are other districts in which there is not a single middle school which has got a rural knowledge class.

Under the rules the cost of these rural knowledge classes was exclusively borne by the Government. The Government paid something like Rs. 500 a year as recurring grant to one rural knowledge

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class and a sum of that amount as non-recurring grant in the beginning. My honourable colleague, Babu Ram Bahadur Saxena, was still more bitter about this favouritism. I would only just quote a sentence of his : "Sir, unless the Director of Public Instruction stands up again and says that he has papers with him and he has satisfied himself that the reason for not taking some teachers from each district is that those districts did not send candidates in time, I would request the House to infer that it was favouritism in the beginning, favouritism in the middle and favouritism in the end that compelled the Department of Education to take teachers from a few districts only at the expense of others." I had a hurried talk with the Director of Public Instruction for a few minutes, from which I infer that the old policy has now changed and that rural knowledge classes are now being introduced in the training classes. It also appeared that now rural knowledge would be taught to the new candidates who are taken for the Vernacular Teachers' Certificate classes. In the past years what happened was this, that district boards were asked to send in the names of selected teachers who had passed the Vernacular Teachers' Certificate examination, so that after getting training for one year they may come back and open rural knowledge classes in vernacular middle schools. The result of the new innovation would be that rural knowledge classes will not be opened in the districts in which there are no rural knowledge classes for at least three or four years. The Vernacular Teachers' Certificate candidate takes two years to pass his Vernacular Teachers' Certificate examination. After passing the examination, he is not appointed as an assistant teacher in a vernacular middle school where the rural knowledge classes are held. It takes him from five to about ten years to be promoted to an assistant mastership of a vernacular middle school; in some districts it takes a longer time. Therefore, this wrong which has been done to certain districts will not be remedied and it may take from five to ten years for those districts to introduce rural knowledge classes.

Then, Sir, the second point which I wish to know is this, whether the Government would be giving the same grant to the other districts who will open rural knowledge classes in the vernacular middle schools in future, as they are giving to those districts who have already opened rural knowledge classes in 1929-30 and 1930-31. Sir, with these remarks I resume my seat.

The Council was adjourned for lunch at 1.25 p.m.

After the recess the House reassembled at 2.15 p.m. with the Deputy President in the Chair.

Mr. A. H. Mackenzie : Mr. Deputy President : Although I had the whole of the lunch interval to prepare a speech, honourable members will be relieved that I am not going to inflict a long speech on them. Somehow or other by listening to these proceedings one gets an appetite.

The honourable mover asked first of all for some information regarding the progress made in what is called the teaching of rural knowledge. The department, owing to lack of funds, have not been able to continue the scheme for training teachers in that subject at Bulandshahr and Naini. None the less they have made good progress. We have a large number, approximately 170, I think, of these classes in the various districts, and although we have not been provided with sufficient funds to continue the scheme of training at Bulandshahr and Naini, we have decided to do the next best thing possible, viz., to have training classes attached to the normal schools and central training schools. We are making arrangements at these institutions for the training of teachers. We are making arrangements also to provide these institutions with necessary land for the purpose and we have at these institutions teachers who are competent to give the necessary instruction.

The next point made by my honourable friend was in the nature of a complaint. He said that the department had not been impartial in opening these classes in various districts. Charges of partiality made against the department leave me perfectly cold. I know that there is no department that can say more emphatically than the Education department that everything it does is done solely with a desire to serve the public good, and there is no department, I think, that in coming to its decisions is more impervious either to abuse or to praise. When I am charged with partiality, whether it be in a matter of opening classes in districts or grants-in-aid, or appointments or any other matter, I can, as I said, ignore them, because I know that they are quite unfounded. It seems to me that if the Director of Public Instruction were an archangel from heaven some honourable members would still complain that his wings were unfairly long or unfairly short.

The last point made by my honourable friend was regarding the grants-in-aid to district boards for opening these classes.

It is not possible for me to say at present whether funds will be available for assisting the boards on the same scale as they have been assisted hitherto in opening these classes. All I can say is that the present Ministry intend to carry on, as far as funds permit, the policy of their predecessors, and I hope that if we can afford the money, we shall be able to open these classes, with the teachers whom we now intend to train, in all districts of the province.

Thakur Keshava Chandra Singh : Sir, I am not satisfied with the speech of the Director of Public Instruction. He has mentioned that there are 170 classes teaching rural knowledge in the whole of the province. He has also said that the charges of partiality against him leave him cold. When I moved the resolution I clearly pointed out the specific acts whereby one district was favoured at the cost of others. There are 48 districts and the Director of Public Instruction has admitted that there are 170 classes, but I can name several districts in which there is not a single class teaching rural knowledge,

[Thakur Keshava Chandra Singh.]

while there are districts in which all vernacular middle schools have got such a class. Then, Sir, it is not the district boards which bear the cost of these classes, but it is the Government which bears the whole expenditure on these classes. Now the only remedy to put things right is to ask the districts, where there is no rural knowledge class at present, to come into line with the favoured districts and Government should provide funds for opening such classes there. This is one view of the matter. The other is that in my opinion primary education is the crying need of our province. The only way in which we can teach masses is by means of these vernacular schools and not by means of high schools and colleges, and therefore it is very necessary to provide funds for this purpose. The Director of Public Instruction says that he is making arrangements for opening more rural knowledge classes. Now, Sir, a candidate, who attends the Vernacular Teachers' Certificate class, takes two years to pass that examination and after passing his examination he is appointed on Rs. 19 or Rs. 20 a month as teacher. It will take him ten to fifteen years to be promoted as an assistant master in a vernacular middle school and by that time he will forget what he will learn now, because rural knowledge is not a subject which is taught in primary schools. So it is not the substance but the shadow of rural knowledge that has been promised by the Director of Public Instruction. Well, Sir, it is now for this honourable House to decide whether it is satisfied with this state of affairs. With these remarks I press my motion.

The Deputy President : Will the honourable member say what is the issue on which he wants the verdict of the House?

Thakur Keshava Chandra Singh : The policy of the Government is not making sufficient provision for opening rural knowledge classes in vernacular middle schools.

The Deputy President : The issue has been framed by the honourable member who has moved this motion. Now the question is that under sub-head "Primary education, B—Boys, 1. Grants to district boards," a reduction of Re. 1 be made.

The question was put and negatived.

Shaikh Imtiaz Ahmad :

شیخ امتیاز احمد

جناب صدر —

میں پرائمری ایجوکیشن سب ہیڈ بی میں مبلغ ۱ روپیہ کٹ کرنے کی کونسل سے سفارش کرتا ہوں *

I beg to move that under sub-head "Primary Education, B—Grants to non-Government schools and local bodies," a reduction of Re. 1 be made.

ضلع پیلی بیٹ میں مکاتب و اسپیشل اسلامیہ اسکولس کے مصارف کے واسطے گورنمنٹ سے (Rs. 3,676) روپیہ مقرر تھا جو سنہ ۱۹۲۳ء تک قائم رہا مگر بجٹ سنہ ۲۵ و ۱۹۲۴ء سے یہ رقم بذریعہ آرڈر گورنمنٹ نمبری ۲۲۲ مورخہ ۲۷ ستمبر سنہ ۱۹۲۳ء کم کر کے (Rs. 2,700) کر دیئے گئے جو اب تک قائم

ہی میں اس کو تسلیم کرتا ہوں کہ صرف نہ ہونے کی وجہ سے یہ رقم کم کوئی گئی مگر یہ بھی واقعہ ہے کہ باوجود ضرورت اور درخواست ہاے طلبی امداد رقم صرف نہیں کی گئی جس کی ذمہ داری بھی گورنمنٹ سرورنٹ ڈپٹی انسپیکٹر سوپرٹنڈنٹ تعلیم پر آید ہوگی ہی کیونکہ روپیہ ہوتے ہوئے درخواست ہاے امداد پر بورڈ سے سفارش نہیں کی گئی بلکہ درخواست ہاے امداد پر نوں فنڈ (No Funds) لکھ کر دی کی تو کڑی میں ڈال دی گئیں - چونکہ اس مد میں روپیہ کی دن بدن ضرورت زیادتی کے ساتھ محسوس ہوتی گئی چنانچہ اپریل سنہ ۱۹۲۲ء میں پیلی پیمنٹ میں محمدن پرائونشل ایجوکیشن کانفرنس نے بھی ایک ریزولوشن کے ذریعہ سے گورنمنٹ سے اس مد میں امداد بڑھائے جانے کی استدعا کی اور ڈسٹرکٹ بورڈ پیلی پیمنٹ سے بجٹ سنہ ۲۷ و ۱۹۲۶ء کی پیشی کے موقع پر ۲۰ جنوری سنہ ۱۹۲۶ء کو بذریعہ ریزولوشن استدعا کی کہ اسلامیہ اسکولس اور مکاتب کی گرانٹ (grant) بڑھانے کے واسطے گورنمنٹ سے استدعا کی جائے - چنانچہ اس کی تعمیل میں معاملہ صاحب کمشنر کو بذریعہ چٹھی نمبری ۲۸ مورخہ ۱۳ اپریل سنہ ۱۹۲۶ء رجوع کیا گیا - اس کے جواب میں ایک چٹھی گورنمنٹ کم نمبر ۱۰۴۵/۲۶ مورخہ ۲۹ مئی سنہ ۱۹۲۶ء بدیں مضمون صادر ہوئی کہ یہ معاملہ مفصل طور پر مع درخواست امداد بذریعہ چٹھی سرشتہ تعلیم کی معرفت آنا چاہیئے لہذا درخواست امداد بذریعہ چٹھی نمبری ۹۶ مورخہ ۱۵ فروری سنہ ۱۹۲۷ء معرفت انسپیکٹر صاحب پیش ہوئی اسی دوران میں ڈسٹرکٹ بورڈ نے بجٹ سال سنہ ۲۸-۱۹۲۷ء کے موقع پر پھر ۳۱ جنوری سنہ ۱۹۲۷ء کو امداد طالب کرنے کا ریزولوشن پاس کیا - چٹھی مذکورہ بالا کے جواب میں انسپیکٹر صاحب سرشتہ تعلیم کا جواب بذریعہ چٹھی نمبری ۱۰۷ مورخہ ۲ جولائی سنہ ۱۹۲۷ء موصول ہوا کہ معاملہ گورنمنٹ میں زیر غور ہے - اس کے بعد بجٹ سنہ ۲۹-۱۹۲۸ء کے موقع پر ڈسٹرکٹ بورڈ نے ریزولوشن طلبی امداد ۱۳ جنوری سنہ ۱۹۲۸ء کو پاس کر کے اس ریزولوشن کی نقل بھی بذریعہ چٹھی نمبری ۱۲۵۳ مورخہ ۲۷ مارچ سنہ ۱۹۲۸ء انسپیکٹر صاحب سرشتہ تعلیم کو روانہ کر دی جس پر ڈائریکٹر صاحب سرشتہ تعلیم نے چٹھی نمبری دی ای ۱۸۵ مورخہ ۲۱ اپریل سنہ ۱۹۲۸ء میں جواب دیا کہ اسلامیہ اسکولس و مکاتب کی زائد امداد کے واسطے روپیہ نہیں ہے - بعد ازیں ڈسٹرکٹ بورڈ نے بجٹ سال سنہ ۳۰-۱۹۲۹ء کے موقع پر پھر ۳۱ جنوری سنہ ۱۹۲۹ء کو ریزولوشن طلبی امداد پاس کیا جس کی نقل صاحب کمشنر کے ذریعہ سے پھر گورنمنٹ میں بذریعہ چٹھی نمبری ۱۰۸۱ مورخہ یکم مارچ سنہ ۱۹۲۹ء روانہ ہوئی اس چٹھی کا جواب انسپیکٹر صاحب سرشتہ تعلیم نے بذریعہ چٹھی نمبری ۶۲۷۷ مورخہ ۲۷ مارچ سنہ ۱۹۲۹ء کے خود ہی جواب دیدیا کہ گورنمنٹ تعلیم کے واسطے کافی امداد دیتی ہے جس کے مقابلہ میں بورڈ اپنے پاس سے جزوی رقم صرف کرتا ہے - مزید ضرورت کے واسطے بورڈ اپنے سرمایہ سے انتظام کرے *

[Shaikh Imtiaz Ahmad.]

یہ پانچ سالہ سر گذشت تھی جو میں نے پیش کی - گویا ڈسٹرکٹ بورڈ کی پانچ سال کی انتہائی کوشش سے ایک چٹھی گورنمنٹ سے (روپیہ نہ ہونے کی حاصل ہو سکی) *

میں نے ایک چٹھی منسٹر صاحب ایجوکیشن کی خدمت میں روانہ کی جس کے جواب کا لب لباب یہ ہے کہ سنہ ۱۹۲۳ء سے جو ۲۷۰۰ روپیہ امداد دی جاتی ہے وہ کل صرف نہیں ہوتی - اس کے بابت میں بتانا چاہتا ہوں کہ رقم مقررہ ۳ مہدات کے واسطے مخصوص ہے اورل تنخواہ مدرسین - درم بلڈنگ سوم فرنیچر مد تنخواہ میں ایک حصہ باقی نہیں - بلڈنگ میں اس وقت تک ضلع پبلی ہیٹ میں ایک پیسہ بھی صرف نہیں کیا گیا - فرنیچر صرف اسپیشل اسلامیہ اسکول میں دیا جاتا ہے مکاتب فرنیچر اور بلڈنگ کی امداد سے محروم ہیں اس لئے مد نمبر ۲ و ۳ یعنی بلڈنگ اور فرنیچر میں کچھ بچت ہو تو ہو تنخواہ مدرسین کی مد میں کچھ باقی نہیں رہا - امداد کی بابت جو درخواست دی جاتی ہے وہ بوجہ نہ ہونے فائدہ فائل کر دی جاتی ہیں بلکہ بعض بعض جگہ ایسا بھی ہوا ہے کہ مکتب جاری ہوئے اور امداد نہ ملنے کے باعث بند ہو گئے - اس وقت بھی ایک مکتب موضع بھکاری پور میں اس طرح پر چل رہا ہے کہ جس میں ۹۳ لڑکے اور ۲۲ لڑکیاں تعلیم پا رہی ہیں جہاں چار مدرسین کی ضرورت ہے لیکن ۲ یا ۳ مدرس کلام کر رہے ہیں جس کو اب تک صرف ۹ روپیہ امداد دیا جاتا تھا اب دوسری جگہ کا مکتب توڑ کر ۲۲ روپیہ کیا گیا ہے یہ واقعہ بھی قابل تذکرہ ہے کہ موضع کھمرا ضلع پبلی ہیٹ کے مکتب کی عمارت دو ڈھائی ہزار روپیہ لگا کر مقامی چنڈہ سے بنائی گئی جس میں گورنمنٹ نے ایک کوزی نہیں دی - مارچ سنہ ۱۹۳۱ء میں چیئرمین صاحب ایجوکیشن کمیٹی نے مرمت کے واسطے مبلغ ۵۰ روپیہ کی منظوری دی کیونکہ اس سے زیادہ رقم وہ منظور نہیں کر سکتے تھے - ڈسٹرکٹ بورڈ نے نوٹ دے دیا کہ مکاتب کو بلڈنگ میں امداد دینے کا کوئی قاعدہ نہیں ہے *

یہ بھی تجربہ ہوا کہ محکمہ ایجوکیشن مکتب کمیٹی نے بلڈنگ اور فرنیچر کے بچے ہوئے روپیہ کو صرف کرنا چاہا تو اس کے بابت بھی قاعدہ بنا دیا گیا کہ کوئی حق کمیٹی کو نہیں ہے - خیر اس بارہ میں میں مشکور ہوں کہ میرے سوال پر اس قاعدہ میں ترمیم کر کے درست کر دیا گیا ہے *

چٹھی ایجوکیشن منسٹر صاحب میں یہ بھی تحریر ہے کہ جبریہ تعلیم سسٹم میں ڈسٹرکٹ بورڈ کو روپیہ مل سکتا ہے - جبکہ ضلع پبلی ہیٹ کے مکاتب میں بخوشی تعلیم پانے والوں کے واسطے روپیہ نہیں دیا جاتا ہے تو جبریہ تعلیم کا تذکرہ ہی بیکار ہے - علاوہ ازیں ضلع پبلی ہیٹ میں لوکل باڈیز (local bodies) نے جبریہ تعلیم کا اجرا ضلع پبلی ہیٹ کے واسطے مناسب نہیں سمجھا اور نہ وہاں کے حالات کے لحاظ سے فی الحال جبریہ تعلیم کا اجرا ہو سکے - میں ضلع پبلی ہیٹ کے مکاتب و اسپیشل اسلامیہ اسکولس کے مد میں امداد بڑھائے جانے کی استدعا

کو تا ہوں اور نہایت انسوس کے ساتھ یہ بھی عرض کیئے بغیر نہیں بیٹھ سکتا کہ سنہ ۱۹۲۳ء سے سنہ ۱۹۳۲ء تک ۸ سال میں گورنمنٹ کو ضلع پبلی ہیٹ کی ضروریات تعلیم مکہ تب و اسپیشل اسلامیہ اسکولس کی جانب دسترکت بورڈ کی پانچ سال تک جد و جہد کے باوجود توجہ نہ کرنے کا موقع نہیں ملا اور اس قدر رقم ممکن نہ ہو سکی جو ضلع پبلی ہیٹ سے دیکر چھین لی گئی ہی واپس دے دی جاتی۔ تعلیم جیسے زندگی سے زیادہ ضروری چیز پر اس قدر طویل عرصہ تک التفات نہ فرمانا بمصدق اس کے ہی —

بے نیازی حد سے گذری بندہ پھر کب تاک

ہم کہیں گے حال دل اور آپ فرماؤ بندے کیا

The Hon'ble the Minister for Education : I do not know why the grant for the maktabs was reduced in 1924. That was before my time, so I can give no explanation here, but I wish to assure the mover of this motion that I have had the matter under consideration and I hope that I will be able to meet his wishes. Of course there are certain formalities yet to be gone through, so I cannot give him a definite promise. I hope that his wishes will be met and that the grant will be increased.

Shaikh Imtiaz Ahmad : I beg leave to withdraw the motion.

The motion was, by leave, withdrawn.

Thakur Jang Bahadur Singh Bisht : I beg to move that under sub-head "Primary education, B—Grants to non-Government schools and local bodies," a reduction of Rs. 300 be made.

Owing to certain events the A. V. Kazmain School, Lucknow, was much in the limelight last year. I put certain questions in the Council to which answers were given on December 16, 1931. One of the questions was this—

"Has the Government ordered investigation of the conduct of the manager?"

The answer was "No."

The second part of the question was—

"If not, will the Government be pleased to order an immediate investigation of the conduct of the manager?"

To this the answer was—

"There is no need for further investigation."

I am inclined to think that the Hon'ble the Minister for Education and the Education department gave this reply because of the fact that they thought that the municipal board of Lucknow found the charges not proven, and as such it was not necessary to have any independent inquiry. I say this in view of the answer I received to another question put by me in connection with this school. The question was—

"How far the authorities have progressed in the matter?"

To this the reply was—

"The municipal board found the charges not proven."

[Thakur Jang Bahadur Singh Bisht.]

I have brought forward this motion in order to be able to put certain facts before the Hon'ble the Minister and persuade him that an investigation is absolutely necessary. When the Education department is giving a grant to a body, or school, I would submit that it is only fair that when certain charges which are quite serious are made against that body, or school, the Education department should not rely solely on the decision of a third party. My request is that some responsible officer of the Education department must investigate this affair of the Kazmain school. Sir, this school has a managing committee. What happened is this, that in the month of February, 1931, one member of the managing committee along with some teachers, I will not mention names, went to the Chairman of the Education Committee and told him of certain occurrences which were happening in the school and the member of the managing committee filed a complaint. That complaint contained the following charges : That teachers were paid less than the amounts for which they gave receipts. That embezzlement was taking place from the science fund and from that of the library. These, Sir, are quite serious charges. The Chairman of the Education Committee paid a surprise visit to this school and found all these charges proved to the hilt. The result was that the municipal board suspended its grant, and after a couple of months the Government did the same. I think there must have been some reason which persuaded the municipal board to stop its grant, for I do not think that people on such responsible posts could have suspended the grant without any case having been made out. But at the same time I am surprised to find that the municipal board finds the case not proven. I would have been very pleased and satisfied if the Hon'ble the Minister at the time had made an inquiry through a responsible officer of his own department. He did, but I do not know why he stopped half way. The Chairman of the Education Committee saw the Hon'ble the Minister and the Director of Public Instruction and they did say that they would take steps to investigate the whole affair. It is also clear that they did start an inquiry, as will be seen from a letter of the Inspector of Schools.

The Inspector of schools wrote to the members of the Managing Committee that he was desired to call a special meeting in connection with this affair at Lucknow.

Sir, I cannot say what happened after this, but the grants were continued both by Government and the municipal board. I may here point out that this matter is being very seriously taken up by the public, and if you will only see a copy of the paper called "Hakikat" dated August 15, 1931, you will find that public meetings did take place and they were held by persons who are quite respectable. I need not go into further detail but there is one thing more which makes me request the Hon'ble the Minister to accede to my wish. What happened when the inquiry began ? When the Chairman began to inquire into the affair the headmaster of the school put in his resignation on the ground of some eye trouble. It was, however,

essential that he should be kept in his place and his resignation was not accepted. The poor fellow had such a strain that he had to go to the Bareilly Lunatic Asylum, and conveniently when the whole thing drops, he comes back and takes up his place as head master again. And then what about those teachers who in fact exposed one of the dirtiest things that could ever happen in an institution like this? They were dismissed with 24 hours' notice and one of them has 20 years' service to his credit. Why were they dismissed? To me the whole thing is very suspicious. My information is that they were asked to retract the statements they made before the Chairman of the Education Committee which they refused to do, with the result that they were kicked out and are still out of employment. I may here point out to the Hon'ble the Minister that he should at least find out.

Mr. A. H. Mackenzie : May I ask whether they have appealed to the department?

Thakur Jang Bahadur Singh Bisht : I am coming to that, Sir. No doubt the teachers have also done something wrong, by agreeing to a transaction to which, I think, they could not have been willing parties, but my submission is that you should consider their position when their own boss has been pressing them down and threatening them to a certain act which they must do or be dismissed. Imagine also the fear of being kicked out of service and joining the ranks of the unemployed—so I will not blame them much. On the contrary I admire them for their courage in coming forward with information. I have not read the Educational Code but surely there must be some condition that teachers with approved and long service cannot be dismissed like this. I think Mr. Mackenzie will agree with me when I say that when a teacher is dismissed it should be seen what he is dismissed for. Sir, the letter of the Inspector of Schools is clear and shows that something wrong was done. He has written "I am inclined to think that the late head master must have been in a peculiar state of mind to dismiss them without asking my advice or the advice of any other person." About the appeal—there is a letter from the Director of Public Instruction himself in which he says "I may add that any appeal that I may receive from any of the dismissed teachers, if forwarded to me through the manager of the school and the Inspector of Schools, will form the basis of further inquiries." Under ordinary circumstances I would have been satisfied, but I know that the teachers did want to appeal but found themselves in a tight corner. In this case it appears the interest of the dismissed teachers clashes with that of the manager.

I have nothing to say to the Director of Public Instruction; most probably he did not see things just as I see them. But the trouble is that though these teachers did go to the manager when they heard of the order, it is only natural that they did so—the manager refused to forward their appeal. I now request the Hon'ble the Minister and the Director of Public Instruction to inquire into the matter through a responsible officer acting independently and this will satisfy me. Sir after all justice is to be done.

The Deputy President : It is more in the nature of a token cut and token cuts should not be for more than Re. 1. May I request the honourable member to reduce the cut to Re. 1 before he sits down.

Thakur Jang Bahadur Singh Bisht : Sir, I amend my cut to Re. 1. It will now read thus :—I beg to move that under sub-head "Primary education, B—Grants to non-Government schools and local bodies" a reduction of Re. 1 be made.

Mr. A. H. Mackenzie : Mr. Deputy President : I doubt very much whether the honourable member is quite in order in moving this cut under this head. The school to which he refers is a secondary school. However, I did not wish to press this technical point as I knew that he had a grievance about which he felt strongly. I have read all the papers about this Kazmain School, Lucknow, and found it very difficult to get at the truth. When the department were corresponding with the management about the school they were told that the municipal board, which aids the school, was conducting an independent inquiry. I sent for a copy of the proceedings of the board and of the sub-committee which conducted this inquiry and I found that the sub-committee had come to the conclusion that none of the charges made against the management could be substantiated and the municipal board confirmed the decision of that sub-committee. I therefore did not proceed any further in the matter. I accepted the results of this investigation carried on under the direction of the municipal board itself. However, the honourable member is not satisfied and he asks the department to conduct an independent inquiry. The department is always anxious to safeguard the interests of teachers and to see that no injustice is done to them, and although appeals in this case have not, as far as I am aware, reached my office, I shall ask the present Inspector of Schools to go into the matter for himself and make a report to me. He is a new Inspector and he will bring a fresh mind to bear on the whole subject. I hope that this will satisfy my honourable friend.

Thakur Jang Bahadur Singh Bisht : In view of the assurance I beg to withdraw the motion.

The motion was, by leave, withdrawn.

Thakur Keshava Chandra Singh : I beg to move that under sub-head "Primary education" a reduction of Re. 1 be made.

My purpose in moving this motion is to bring to the notice of Government one point and it is this. Formerly in primary schools sub-deputy inspectors and deputy inspectors used to examine the boys up to the fourth standard. Under the new rules it is the head masters of these primary schools who examine them.

The head masters as well as the assistant masters of Vernacular Middle Schools have complained to me that the boys are not so well equipped now as they formerly used to be and they attribute this deterioration to this innovation. In the District Board Education Inquiry Committee the two deputy inspectors who were examined also stated that this was the reason of the deterioration. I would, therefore request the Government to consider whether the new rules have worked satisfactorily and whether it was due to these new rules that the efficiency has deteriorated or not.

Rai Bahadur Thakur Hanuman Singh : Sir, this very question was raised last year by me in the budget debate, but I do not know whether the Government has taken any step to rectify the mistake, if I may say so with your permission, in ruling that the same teachers who teach the students should examine them and grant them certificates. It is a general complaint that those who passed the fourth class examination or the upper primary class before these rules were brought into force were much better than those who pass that examination now. It is natural, Sir, that many of the teachers, with a view to show their *kar guzari*, pass even those students who may not be fit to be granted certificates. I hope the Director of Public Instruction would in future pay greater attention to this question and make inquiries through his Inspectors and change the rules in such a way as to remove this defect. The other thing in this connection which requires to be brought to the notice of the Council is this, that whenever any district board is superseded and its management passes into the hands of the district officer, the first thing which the district officer takes up is to abolish a number of primary schools. Well, Sir, I may say that this sort of abolition is not economy.

If the chairmen of the district boards take upon themselves the abolition of a number of schools in their districts, I think they will always be able to balance their budgets. But they do not do that, and consequently they find a deficit in their budgets. I hope that the Government will issue orders to the effect that whenever a board is superseded, the district magistrate should not abolish the primary or middle schools without the previous sanction of the local Government. This alone can act as a check upon the district magistrates and a set back to primary education in certain localities will be avoided.

Saiyid Ali Zaheer : I take this opportunity of bringing to the notice of the authorities concerned the fact that although more attention has been paid than in past years to the extension of primary education, yet it is not sufficient to meet the needs of the country. Government have now accepted the principle that primary education should become more or less universal. The help which is given to primary schools by Government is at times not sufficient to meet the requirements of a particular locality. For instance, in the Lucknow municipal board there are certain areas where compulsory education has been introduced. The Government on their part make a contribution to the board for the purpose of giving encouragement to such education. Nevertheless we find that it is not possible for the board to meet the remaining expenditure out of its own funds. I admit that in the conditions now prevailing it is not possible to expect from the Government a larger contribution, but the necessity of primary education is such as cannot be over-emphasized. Funds have got to be found in order to meet the requirements under this head. The greatest need is the qualified teacher, and this again is largely a matter of funds. When we go to a primary school we find that the qualifications of an average teacher, to whom has been entrusted

[Saiyid Ali Zaheer.]

ed the education of young children, are so low that one cannot expect a higher standard of work from them. The importance of child education is well recognized. If a child does not get decent primary education at the start, in his after-life he cannot make up the deficiency.

If these boys are entrusted to persons of the calibre to whom they are entrusted at present for their education, the result generally is that they do not get that grounding which is essential for them in their after-life. The sight of one of these primary schools is a hopeless sight. Generally, you find a teacher with very little education himself sitting probably on a *chatai* or something like that and surrounded with the boys in a very filthy and dirty atmosphere, trying to impart knowledge to these boys. It is not only one but practically every primary school, which at least I had the occasion of seeing in the city of Lucknow, is more or less of the same type. The poor children are there. They are not encouraged in their education. They think it more as a duty which has been put upon them. And they are taught in the old style by force of the rod. Sir, this sort of thing cannot be eradicated,—it cannot be cured until we get a better class of teachers. I think it also follows from such a state of affairs that we cannot get a better class of teachers, unless there is more money available. I will go to this extent as to suggest that there may be a smaller number of schools, but the management of the schools must be put in the hands of capable persons who have got a certain amount of training, who know something more of education than the teachers who are at present doing this sort of work. Even though the boys will not be able to get to these schools very easily, I think the difficulty to which they will be put will be very much compensated by reason of the fact that they will get a better kind of education. One really cannot expect them to be able to do anything if they are not taught in the very beginning the elementary habits of being clean, or of understanding what they are taught, and of trying not only to learn words by heart but by practical experience. In such matters, Sir, it is always essential that the man who is in charge of these boys must himself act up to the ideals which he is teaching them. The class of persons from which these teachers are selected have sometimes got education up to only the fifth or sixth standard and they get some sort of training in a Government training school. They are not aware of the elementary principles of hygiene or of decent living. Not only that they cannot teach others, but the difficulty is that they do not themselves know what sort of instruction they ought to give to the students. I think this is a very vital matter. The elementary principle has been recognized that primary education must be extended as much as possible, so that it becomes practically compulsory education in course of time. We ought to pay attention to the improvement of these schools and not to leave them in the hands of such persons who are not able to give that education suitably and properly to the students who are entrusted to them. I hope the Government will take into consideration what I have

said and will try to give a better class of teachers to these primary schools.

Mr. A. H. Mackenzie: Mr. Deputy President, the first point raised in the course of this discussion was by my friend, Thakur Keshava Chandra Singh. He has criticized the Department for having introduced the revised system of examining pupils in primary schools. The old system was as follows. The Deputy Inspector or Sub-Deputy Inspector visited certain schools or certain centres and examined the boys individually. That system broke down by sheer weight of numbers. It was not right that little boys of 10 or 11 should have to travel five or six miles to centres to be examined by the inspecting staff. In any case the number of candidates grew to such an extent that it became physically impossible for the inspectors to do this work. The Education department therefore introduced a new system. They said that the head masters of the primary schools themselves should examine their own boys and give them a certificate, if they considered that they are fit to pass on to middle vernacular school. That system undoubtedly has its dangers, but the Department introduced certain safeguards. They have a number of these schools re-examined every year by the district inspecting staff, and if the district inspecting staff find that a head master has not been discharging his duties satisfactorily in this matter, his school is removed from the list of the schools whose head masters can give the certificate. Moreover, the head masters of middle schools are not necessarily bound to accept these certificates. They can examine for themselves the pupils who seek admission. Again, the district inspecting staff test the pupils in the middle schools and, if it is found that they have been coming from schools where too great leniency has been shown, they remove the schools from the list of those that have this privilege. Of course that system is not perfect by any means. The Department itself recognizes its defects, but the principle that guides the Department in this matter is that, when people have responsibility to exercise, the exercise of that responsibility does in time produce the virtues that are required for its proper exercise. If the Department were to abolish this system, because some head masters have not exercised their responsibility efficiently or, one might even say, honestly, one might as well say that district boards should be abolished. Some people might argue that even legislative councils should be abolished, because surely all these bodies are only gradually training people to the sense of responsibility. If we are to get discouraged by the first signs of absence of a sense of responsibility, what progress could there be at all in any institution? So I would ask my honourable friends to be patient with these head masters. I believe that in time the exercise of this responsibility will, as I said, produce the very virtues that are required to enable them to exercise it properly. My friend, Rai Bahadur Thakur Hanuman Singh, raised some other points, but, as he has gone out for a rest, I need not trouble the House by replying to them.

[Mr. A. H. Mackenzie.]

I shall refer only for a minute to the able and vigorous speech which we had from Mr. Ali Zaheer. If we were to give prizes for speeches I do not think that he would get one all the same. He would be disqualified because, whereas the rest of us have been sitting here for nearly two days discussing education, he has come in when we have nearly finished. So he cannot receive the credit for this speech than he would have received if he had been with us for the whole of these two days. Still I may say that I agree on the whole with him in what he said. I have nothing to say against anything what Mr. Ali Zaheer put forward. I only hope that next year he will come and give us the benefit of his views at an earlier stage.

Thakur Keshava Chandra Singh: I expected a more sympathetic reply from the Director of Public Instruction.

Mr. A. H. Mackenzie: I have been full of sympathy.

Thakur Keshava Chandra Singh: I expected that he would reply that he would inquire from the Deputy Inspectors as to how this work is being done. Probably he does not know the mischief that has already been done. It is more wide and serious than what he imagines, as it appears from his reply to my motion. The objection about the numbers that the work is too much for the sub-deputy inspectors can be removed in this way. The head masters of vernacular middle schools might be either associated or entrusted with this work, and be asked not to call the pupils but do the work by going themselves to these primary schools. They can finish the work say in a week. Then the other point which the Director said was that the head masters of middle schools were not bound to accept the pupils who came there. The tragedy is that if they are going to reject boys on the ground of unfitness they will have to reject almost all and then they would not get even a few pupils, who are well-equipped for the fifth class. The other point is that the head masters of middle schools are afraid to take any responsibility, and they think that it is no good incurring the unpopularity of the head masters of primary schools. I know in Banda itself the Teachers' Association, which is a registered body, passed a resolution that this ought to be done away with, because every teacher realizes that it is causing very great deterioration in education and therefore it must be done away with. I would therefore expect this much from the department that they might ask the deputy inspectors as to how far this new method has been successful and how far it has done damage. If I get this assurance I will not press the motion.

The Hon'ble the Minister for Education : We will do that,—we will ask the deputy inspectors.

The motion was, by leave, withdrawn.

Thakur Muneshwar Bakhsh Singh: I beg to move that under sub-head "General charges, B—Inspection, (a) Male education, 3. Allowances and honoraria," a reduction of Rs. 16,000 be made.

Sir, if we turn to page 40 of the detailed estimates we find that under allowances and honoraria the provision in the budget for the

present year was 1,79,000 and in the revised estimate for 1931-32 it was 1,82,500. That has been based on actuals and the budget estimate for this year is 1,99,000. Sir, again if we turn to page 51 in the details, we find that this includes travelling allowance. Travelling allowance voted was 1,75,000 and it has been raised to 1,96,000; but the actual revised estimate figures are 1,80,000. So there is an increase of 16,000 in the budget for 1932-33. The explanation for this increase is given in the memorandum. The increase is based on actuals. But, Sir, I fail to understand how this increase is based on actuals by Rs. 21,000 because only 5,000 has been increased in the revised budget estimate. So I think 16,000 is an over-estimate and I have moved this reduction for that reason.

Mr. A. H. Mackenzie: Mr. Deputy President, this year we retrenched under travelling allowances because we had to surrender money to the Finance Department. Honourable members will see by a reference to page 51 of the detailed budget that the provision voted for allowances and honoraria is 1,75,000 as against actuals of 2,15,000 in 1930-31. We could retrench under this head only by two methods : one was by restricting touring, that is by keeping touring officers at headquarters where they were not doing the work for which they were employed ; secondly, by transferring from other heads. Now it is obviously desirable that the inspecting staff should tour, otherwise we might as well not have them. The Finance Department have passed these figures on a very careful scrutiny of our actual needs. They know that every year we have been supplementing the provision under this head by reappropriation from other heads. But in the budget of 1932-33 we have cut down every thing to the bone and therefore we shall have no funds for reappropriation. That is why the Finance Department themselves, who are very careful in scrutinising our needs under such heads as these, have passed as necessary the provision which we have entered.

Thakur Muneshwar Bakhsh Singh: I am not at all satisfied by the explanation given by the Director of Public Instruction because the number of our inspectors and assistants has been decreased from 19 to 14 and the other thing is that under the revised rules for travelling allowances there will be less expenditure under this head. So I think this figure is high and could be reduced. I therefore press my motion.

The Deputy President: The question is that under sub-head " General charges, B—Inspection, (a) Male education, 3. Allowances and honoraria," a reduction of Rs. 16,000 be made.

The question was put and negatived.

The Deputy President: The total demand under head Education was for Rs. 1,87,40,401. Since when the Council had made reductions of Rs. 2.

The question is that the sum of Rs. 1,87,40,399 be granted.

The question was put and agreed to.

Grant No. 8. Head 24—Administration of Justice.

The Hon'ble the Home Member Captain Nawab Sir Muhammad Ahmad Said Khan : Sir, I beg to communicate to the House the recommendation of His Excellency the Governor that the sum of Rs. 60,12,043 should be voted under the head of Administration of Justice, and I move that this sum be voted.

As the time is very short and today is the last day for the discussion of this head, I do not propose to take the time of the House by any speech and will try to get the opinion of the honourable members of this House about the Administration of Justice. With these few words, Sir, I resume my seat.

Rai Bahadur Thakur Hanuman Singh: Sir, I beg to move that under sub-head "B Chief Court, Total," a reduction of Re. 1 be made.

By moving this cut I propose to bring to the notice of this House that the amount of work in the Chief Court is not sufficient for five Judges. It should be the policy of Government to spend on any institution only so much money as may be absolutely necessary for the efficient working of that institution. If any amount is spent which is not actually required, it can very well be called as money misspent. For this purpose it is very necessary specially in these days of financial stringency to find out what minimum expenditure should be incurred on the Chief Court in order to enable it to dispose of promptly all the cases and appeals which may be instituted in that court. Sir, this is the state of affairs so far as the Chief Court of Oudh is concerned. On the other hand, I hear complaints that the amount of work in the High Court at Allahabad is too heavy, and the litigants have to wait for years and years for the decision of their appeals which are filed in that court. In one and the same province there are two highest courts of criminal and civil jurisdiction, but while one is very lightly worked, the other is very heavily worked. Therefore, Sir, it is very necessary that some way should be found out in order to give sufficient work to each of these two courts and, if possible, to effect some saving as well to meet other necessary expenditure in the province.

With your permission, Sir, I may suggest, though my suggestion is no doubt a very contentious one, that either the number of Judges in the Chief Court should be reduced and the number of Judges in the High Court increased or the civil and criminal jurisdiction of Kumaun, Rohilkhand and Gorakhpur divisions be transferred to the Chief Court with a view to give sufficient work to the Judges who are in that Court. The third alternative which I wish to propose is that the two Courts be amalgamated and it be provided in the amended law that one Bench of the High Court should sit at Allahabad and the other Bench should sit at Lucknow simultaneously. This will facilitate decision of cases and appeals which will be filed in that Court and at the same time, I venture to say, will give savings which will be utilized on some important objects in the province. Sir, I hope the Government will give a very serious consideration to the expenditure on these Courts and come to some decision which may bring about facilities for the disposal of cases and which may give saving.

Shaikh Muhammad Habibullah : Sir, this is not the first time that the question of the amalgamation of the Chief Court with the High Court has been discussed on the floor of this House. The honourable members have taken upon themselves to discuss it in season and out of season.

Mr. Zahur Ahmad : Rightly too.

Shaikh Muhammad Habibullah : But I think they thought this as a more appropriate season to discuss it on the ground of economy. The Chief Court in Oudh is not the product of a haphazard decision taken by the Government. If one would read the speech delivered on the occasion of the inauguration of the Chief Court by Sir William Marris, he will find the utterance of some importance as regards the necessity of a High Court for Oudh. Sir William Marris in his speech said, subject to correction of words, but I can say that I am truly reproducing the sense. He said that the question of the transfer of the High Court from Allahabad cannot be considered on account of the heavy cost of buildings constructed at Allahabad. That was one of the reasons which led this Government to have this court here as Chief Court instead of High Court. Now, Sir, when people talk of high courts or the highest tribunals of justice, they forget as to the essentials necessary for the establishment of such a tribunal. The first essential is that it should be most central, that it is easily accessible to the people residing in the province. I wonder if my honourable friends who are permeated with one and one idea at the present moment of economy have ever thought of the extra expenditure of the tax-payer, if the Lucknow Chief Court ceases to exist. (Hear, Hear.) In fact I should have expected from my friends a suggestion that the Allahabad High Court should be transferred to Lucknow.

Mr. Zahur Ahmad : Read out a Persian couplet.

Shaikh Muhammad Habibullah : This may be a reflection on the members of the bench and the bar but not on the court or the genesis of the courts. I am surprised that a statement like this comes from a distinguished member practising at the Allahabad High Court. Well, gentlemen sometimes people quote authors without knowing the significance. I never thought that I was *pardakhting* with *asman* when I was dealing with Allahabad. People refer to Allahabad as something in connection with dust and not with the horizon. It is the most dusty place in the United Provinces. So the gentleman who has interrupted me perhaps refers to Oudh, in his allusion to sky (*asman*), the most prosperous, the most green, the most fertile. This capital Lucknow is *asman* and not Allahabad is *asman*. Sir, I have said before that the Chief Court here is not a new institution. It is an evolution from the old traditional court of this province. Sir, I may assure the members of this House that we are not at all sentimental when we speak of the retention of our highest judiciary in this province. We are hardly ever sentimental. In fact we are the most cool and broadminded people of Oudh. Now, Sir, just see what concession have we made by allowing our province to be amalgamated to Allahabad.

[Shaikh Muhammad Habibullah.]

We are now ruled by a majority. Twelve districts of Oudh are subject to the vote of 40 districts of the other province. Don't you think that this is a greatness on our part to submit to such a thing, although I assure you, Sir, that we can stand on our own legs if we claim for the separation of Oudh as a province both administratively and financially. But we want to join hands, we want to co-operate and we confide in people and we rely in people. Sir, it is in this spirit that members from the Agra province should come and sit at least while they are in Lucknow in this Council Hall, and not be permeated with that spirit of jealousy or competition between Allahabad and Lucknow. I have said the other day and I repeat again that Allahabad is Allahabad and Lucknow is Lucknow, and Allahabad will remain Allahabad and Lucknow will remain Lucknow. Now, Sir, this is the first time the suggestion of the amalgamation has come from a gentleman who is not a member of the Bar. On previous occasions these suggestions always came from the members of the Bar, and I said the other day, and I have to admit it again, that when they bring up such a suggestion they in a way ventilate the feelings of their own brothers in these provinces. Of course there are not happy relations between the Bench and the Bar which I said the other day, but that cannot be the reason for the removal of the Chief Court,—it does not affect the institution itself. If there is anything like what I said before, I mean favouritism in some things, I as a member of this province and as a bold advocate of fairness say—make an inquiry and eradicate it. These impurities come only to stay for a short time. These are not defects of the institution but defects of human weaknesses and I assure you, Sir, that to-day, at the same time when I am making this statement, I know a good many gentlemen among the members of the Bar and of the Bench in Oudh who are as pure and as honest as purity and honesty can be. This statement of mine is not applicable to everyone. It is the members of the Bar who make such complaints, they write to the press and have created a feeling abroad and that feeling must be eradicated. If there is such a thing I am for eradicating it. But I am deadly opposed to any idea of the transference of my old institution to Allahabad.

Mr. Zahur Ahmad : How old ?

Shaikh Muhammad Habibullah : As old as the province itself and in that respect I think Oudh again scores. It is the newest convert to the new vices. It has retained so far its traditionary old virtues. If it is new it is to its advantage and not to its disadvantage. I think we must be really lucky in being late and so late in coming under British rule because after all when the British came to Oudh they have had the experience of other provinces, and it was due to this experience that they treated Oudh differently. I should like you to know that we have got our special Oudh laws, we have got our system of primogeniture and we hold our lands under sanads. If it had not been that the British came to Oudh late they would not have felt that this was the only treatment to hold out to us, in

preference to other places. So it is not a disability, it is to our advantage. Even the system of administration of Oudh is superior and has always been superior to that of the Agra province. But, Sir, I am very sorry to have to make such a statement. Because a gentleman from the Agra province has imputed such things and he has forced this statement out of me much against my will. I hope that the members from the Agra province will excuse me for saying anything which may be unpleasant. I am here to defend the existence of my Chief Court—I use the word “my” here. I am not here to defend its *personnel*; I am not here to defend the members of the Bar practising in it; I am not here to defend all the Judges who preside in it; I am here to defend the institution, Sir, and I hope my friends who have spoken in favour of the amalgamation or of the abolition of the Chief Court will kindly consider the matter coolly and carefully. As I said, it is not an institution which has come into existence by the haphazard work of the Government. It has taken Government both time and wit to come to the decision. They have given us original jurisdiction. It itself means something. They would not have given us original jurisdiction if it was not wanted.

With these remarks, Sir, I beg to resume my seat.

Mr. Zahur Ahmad : I have heard with the greatest possible interest the speech of my honourable friend Shaikh Habibullah Sahib, and noted particularly his remarks comparing Oudh and Agra. He has been pleased to make certain remarks regarding Allahabad and Lucknow. Of course, it is very difficult for me to appreciate all what he said; the only difference between Allahabad and Agra that I know is the difference between the waters of the Ganges and the Goomti. This obvious difference can be visible to even a man with ordinary commonsense. If those drinking the water of the Goomti can claim a monopoly of intellect and administrative ability I can only say that they are sadly mistaken and the world is not going to accept their exaggerated claim. The pure water of the Ganges and the dirty water of the Goomti can never be compared. History is full of benefits of the Ganges. My honourable friend the mover, I mean, Rai Bahadur Hanuman Singh, fortunately, or unfortunately is not a member of the Bar but he is an experienced administrative officer—Rai Bahadur Thakur Hanuman Singh—brother of one of the greatest veterans of Oudh, the President of the Taluqdars’ Association—he has come out once with truth, voicing public opinion of the whole province, in proposing this token cut—that the Chief Court of Lucknow should be amalgamated with the High Court at Allahabad.

Rai Bahadur Thakur Hanuman Singh : It is one of the alternatives.

Mr. Zahur Ahmad : But to my mind it is the most important alternative that has provoked the opposition of my friend Shaikh Habibullah Sahib who realizes that the suggestion, coming as it does from a veteran of Oudh, has got very great force and as such he tried to ridicule it but I am pleased to say that he failed, and failed miserably. The only implication of his argument is that the water of the Goomti is superior to the water of the Ganges. My friend Sheikh

[Mr. Zahur Ahmad.]

Habibullah Sahib has forgotten the remarks made by the honourable mover that the work in the Chief Court is absolutely insufficient. What does this remark imply? This remark implies nothing but this that the Chief Court should be amalgamated with the Allahabad High Court, with this condition that a certain number of Judges should come from Allahabad to Lucknow to decide Oudh cases. That is what my friend Thakur Hanuman Singh has said. The other day my friend Sheikh Habibullah Sahib had come out with certain remarks about the work of the Oudh Chief Court. To-day my friend Thakur Hanuman Singh has said that it should be amalgamated. If we put one and one together it comes to this that the Oudh Chief Court should be amalgamated with the Allahabad High Court. Sheikh Habibullah Sahib has talked a lot about the green lawns of Lucknow, but I wish he could have talked something about the judicial traditions and the judicial atmosphere of Allahabad. I am sure that this honourable House will agree with me when I say that Allahabad has got a better judicial tradition than Lucknow has ever possessed and therefore, Sir, I do hope that Thakur Hanuman Singh's motion so far as the amalgamation of the Chief Court of Oudh with the Allahabad High Court is concerned be accepted by this honourable House. It is really anomalous to find that in the same province at a distance of 120 miles there should exist two highest tribunals of justice. In other provinces, I mean in Bengal, Bombay and Madras, there is only one judicial tribunal in each province. It is really unfortunate to find that in a province like the United Provinces there are two highest tribunals of justice at a distance of 120 miles from each other. Sir, experience has shown that the considerations on which the Oudh Chief Court was founded were considerations which do not hold any water now, and the time has come when in the interests of economy, in the interests of judiciary and in the interests of the province the Chief Court of Oudh should be amalgamated with the Allahabad High Court.

Saiyid Ali Zaheer : Sir, I believe once every year when we are discussing the budget the idea of amalgamating the Chief Court with the High Court, or of removing the capital from Allahabad to Lucknow or vice versa, is ventilated on the floor of this House. To-day is that lucky day again. I already have committed myself to a certain point of view to which I gave expression last year. This year the debate has been opened by an honourable member who is a representative of Oudh. He began by making three alternative suggestions in order to meet the situation. The hypothesis on which he proceeded was that there was more work at Allahabad than the High Court can cope with and there was less work at Lucknow than the Judges of the Chief Court ought to have. On this hypothesis he made three suggestions. Firstly, to reduce the number of Judges of the Chief Court ; secondly, to transfer certain divisions, for instance Rohilkhand and Kumaun, to Lucknow, and, thirdly, to amalgamate the two Courts. Now let us examine first the basis on which the

honourable member has proceeded, that is to say, in the Allahabad High Court cases are decided after a large number of years, while in Lucknow there is not enough work for the Judges. Now, as far as Lucknow is concerned, the figures with which I am a little familiar indicate that here every appeal is practically decided within a year or disposed of within a few months over a year. On the other hand, as far as the Allahabad High Court is concerned, the appeals there generally take anything from two to three years before they are decided. The only result at which one can arrive, after all these figures have been taken into account, is that while in Lucknow the work is just enough to keep the five judges busy, the work in the Allahabad High Court is more than what the existing number of judges can cope with. It is true that you can make a reduction in the number of judges in the Chief Court, but there are a few difficulties which have to be faced. In the first place, there is the original side given to the Chief Court, which is not the case with the Allahabad High Court. Cases filed on the original side take from one to two years before they are decided by the first court. Thus one judge is practically kept engaged the whole year with work on the original side of the Court. This leaves four judges. Of the original nature there is some other work too, as for example the divorce work, and this has to be done by another judge who sits singly. Now, there is the appellate work, i.e., the single judge cases and the Bench cases. The single judge cases are very few in number for the simple reason that appeals of Rs. 500 and over are now heard by a bench of two judges. Some of these appeals, however, take as long as four to five days in being disposed of. Therefore, Sir, if we put a judge and a half on original work, we are left with only three judges and a half for doing the work of the appellate court. Sometimes two benches have to sit in order to dispose of the criminal and civil work that comes up before the court. On other occasions one single judge is busy disposing of single judge appeals. In these circumstances it seems to me that if the number of judges is reduced from five, it will be impossible to cope with the work. Moreover, this number of judges has been fixed by a Statute, known as the Chief Court Act. Under this Act two judges are to be civilians, two members of the bar and one from the provincial judicial service. Unless the Act is amended there cannot therefore be any reduction in the number of these judges. On the merits of the case, I repeat that the work that comes up before the Chief Court cannot permit of any reduction in the number of judges. If the number of judges is reduced, the result will be that appeals will take three to four years to decide, as is at present the case with the Allahabad High Court. If this is considered as a very unsatisfactory state of affairs, why then should a similar situation be created in the Lucknow Chief Court?

The next point is about the transfer of certain divisions at present under the High Court to the Oudh Court. Well, Sir, I believe that the honourable members from the other province who are here, will very strongly resent any such suggestion. It is true that if we were

[Saiyid Ali Zaheer.]

to have a few more districts added to Lucknow, that will make the work of the High Court lighter and will give more work to the Chief Court to do, but at the same time it is a matter which I leave to the authorities to deal with.

Finally, I come to the most disputed question, that of amalgamation. Unfortunately my views on the subject are not as strong against amalgamation as they are of my honourable friend the Shaikh Sahib who has made a speech before me. In spite of the fact that the honourable member for Sitapur protested very vehemently that it was not merely on sentimental grounds that he was opposed to it, as far as I am concerned I fail to see any other ground than that. The question of amalgamation, if looked at from a correct point of view is a good proposition. I do not think that any person, who is considering his point in his calm moments without any sentiments, will have any reason to grudge it. The suggestion is on the basis that there will be amalgamation but not a transfer—for that is not what I am in favour of—I am rather strongly opposed to that sort of amalgamation, i.e., the work of the Chief Court should be transferred from Lucknow to Allahabad. That I think is neither feasible nor advisable. I think the amalgamation should be thus. There should be a bench of four, or five or six—or as many as are necessary—Judges sitting at Lucknow permanently to dispose of cases. If the amalgamation is made on that basis, I do not think that there can be any objection to that. This will reduce the expenditure of office and so on. There will be a judiciary with a number of judges sitting at Lucknow for disposing of the work which may come to them from Oudh and from other districts which are at present governed by the Allahabad High Court. The two reasons which were advanced against amalgamation are, firstly, the historical reason that because the Chief Court came into existence as a separate court from that of Allahabad it should remain separate for all time to come; and secondly, that special laws govern the Oudh province. As far as the historical ground is concerned, the province of Oudh was annexed at a later date than the neighbouring province. Naturally therefore the Courts of Oudh came into existence at a subsequent date to that of the High Court. I submit that this is no reason for saying that there should not be an amalgamation of the two courts. This is again a pure question of tradition and a question of sentiment, but that tradition and sentiment can be easily satisfied, if you guarantee that although the Chief Court will be amalgamated with the High Court, the former court will remain sitting at Lucknow and disposing of the cases of the province of Oudh and the cases of the other districts which may be transferred to this court.

Then there is the question of special laws. It is true we have got our own Oudh Estates Act, and Oudh Rent Act, and they have come into existence for historical reasons and are quite different from the laws of the other province. But again this objection can also very easily be met by the fact that a separate bar will be maintained at Lucknow and a separate court will be sitting at Lucknow, and it

will be a sort of amalgamation with the Allahabad High Court only in name. Its individual entity, its separate existence will not be done away with. And so long as this guarantee is given, I do not think how the amalgamation will affect the question of special laws. They will be administered at Lucknow and it is here that the Oudh cases will be decided. The advantages of amalgamation will be on the one hand that the status of the Chief Court will be raised to that of a High Court, and on the other that probably the expenditure, which is being met by reason of the establishment of two courts, will be done away with. If amalgamation is understood in the sense in which I have suggested, I think that most of the people of my profession as well as others will not be opposed to it. But if the idea of amalgamation is to do away with the highest court at Lucknow, I am strongly opposed to it and will not agree to any such suggestion. My suggestion is more or less in the nature of a *via media*. The whole question can be solved if the point is looked upon with a broad outlook and the narrow outlook is done away with. In that case, as far as I can see, neither Oudh will have any reason for a complaint against such amalgamation, nor will Allahabad be sorry that Oudh has maintained its separate individuality and is maintaining a court of its own.

Rai Bahadur Babu Vikramajit Singh: Sir, the question ought to be looked at from various points of view, and especially it ought to be considered very calmly and dispassionately. There is no question of sentiment or jealousy of Oudh involved in the proposition which has been moved by my honourable friend on the left. There are only two questions, as far as I can see, involved in the case—firstly, that the number of Judges in the Chief Court is much larger than is really needed, and, secondly, whether the amalgamation of the Chief Court with the Allahabad High Court will bring about the desired result. Now, Sir, the matter was considered very carefully by the Retrenchment Committee and it came to the conclusion that the number of the Judges in the Chief Court was much larger than was really needed. We all know that before the creation of the Chief Court, three Judges used to be sitting and disposing of cases. The creation of the Chief Court happened a few years ago after the inauguration of the Reforms. My honourable friend, Mr. Ali Zaheer, has said that it is by statute that five Judges have been created. It is this Council that has created these five Judges and it is within the province of this Council to reduce the number of Judges and to amend the statute. So no one ought to be afraid of the point which has been raised by my honourable friend that the number of Judges has been fixed by the statute. We can amend it in a day. There is absolutely no difficulty in amending the statute and reducing the number.

The next point that my friend has tried to make is that the five Judges keep themselves busy. Well, Sir, have you ever heard of a case where the Government creates an appointment or appoints an officer when that officer remains absolutely idle? I do not think

[Rai Bahadur Babu Vikramajit Singh.]

that a circumstance like that would be found in any country whatsoever. The Judges must keep themselves busy, if they have to justify their existence. But the question is whether that amount of work which is being disposed of by five Judges can be disposed of by three Judges. If from the time of the annexation of Oudh up to the time the Chief Court was created two or three Judges disposed of the work satisfactorily, I do not understand how the increased number of Judges is now necessary to cope with that work. It is said that now they have got original jurisdiction. We do not dispute the fact about Oudh having original jurisdiction, although it is not necessary ordinarily in many cases to have an original jurisdiction. We find that in other provinces cases of the value of 50 lakhs or more are disposed of by subordinate judges or district judges. But here they have got special original jurisdiction even for cases of 6 lakhs or more so far as taluqdari cases are concerned. We have no quarrel with that. But this jurisdiction should not extend to ordinary cases. I know of a case, which was only a mortgage case, worth ten lakhs or so, and it was tried by the Chief Court on its original side. That is not at all necessary. However, the question is that, so far as facts and figures go, it cannot be disputed by anybody that the work is not sufficient for five Judges. It is a matter of common knowledge and the members of the Bar and litigants all know that work here is insufficient.

Therefore from the point of view of economy I think it is absolutely necessary for the Council to recommend to the Government to reduce the number of judges and there will be no difficulty in amending the Act. The other point which has been brought about as a solution is that the Chief Court may be amalgamated with the Allahabad High Court. My friend Sheikh Habibullah seems to have misunderstood the import of that proposition. There is no intention to make the Court inaccessible to people of Oudh. I support that part of the proposition, viz., that when an amalgamation is brought about a bench of the Allahabad High Court will sit in Oudh, and that point has been supported by Mr. Ali Zaheer, who is a prominent member of the Oudh Bar. Consequently it is but natural to suppose that when Oudh gets the benefit of a High Court instead of a Chief Court, they will not be losers. I am surprised that any gentleman from Oudh could get up and say that he will not prefer a High Court for Oudh to a Chief Court. Judicial Commissioner's Court and Chief Court are meant for non-regulation provinces; High Courts are created by Letters Patent of His Majesty and are considered to be superior to the Chief Court. The Judges cannot be moved by anybody but by His Majesty. Chief Courts are constituted by local statutes or by the Governor General. Consequently Oudh can consider itself lucky if instead of a Chief Court it gets a High Court. By this amalgamation it will be very easy for them to have a Bench of the High Court sitting at Lucknow dispensing justice as Judges of the Allahabad High Court. There seems to be

absolutely no difficulty in having a proposition of that kind materialized. Mr. Ali Zaheer favours this view. It is only on a pure question of sentiment that some people may say that they may have a separate Chief Court and not be amalgamated to the Allahabad High Court. The Allahabad High Court enjoys the confidence of the entire province. We have not heard any voice raised against the High Court as my honourable friend Sheikh Habibullah has raised against the judiciary in his own province. There is ample justification for allowing the Chief Court to be amalgamated with the Allahabad High Court. The duplication of the ministerial office will be abolished. Instead of five judges probably three judges or four judges will be able to dispose of the work very satisfactorily. Mr. Ali Zaheer has said that in Oudh the cases are disposed of very quickly, within six months or a year. As the work is not enough and, therefore, the Judges have to see that the dates of the cases are fixed very quickly so that they may have sufficient work to engage themselves. Of course the Allahabad High Court has to dispose of the work at the proper time. I submit that the disposal of a case even in two or three years has not been considered to be a very long period for the highest court of appeal. When appeals go before the Privy Council it takes two or three years. It is not after all a Small Cause Court or the Subordinate Judges Court that the cases must be disposed of within six months or a year. Throughout the country in no High Court are the cases disposed off in less than two or three years.

Therefore I submit that the amalgamation cannot be opposed on the ground that the cases are disposed of quickly in the Chief Court and it takes a longer period in the High Court. I, therefore, give my whole-hearted support to this proposition that the number of judges ought to be reduced and the Chief Court ought to be amalgamated with the High Court so that the people of Oudh may have a High Court instead of a Chief Court and expenditure be reduced. As time is fleeting I close my speech.

Munshi Gajadhar Prasad : We must approach the question from a purely financial viewpoint,—any other consideration, whether of sentiment or vested interests, is clearly wide of the mark. Now there seems to be a great dispute about the words, “amalgamation” or “abolition.” I think as far as the Chief Court is concerned, let these two words be not brought under discussion. The use of these words has unfortunately proved ominous and we must get rid of them. I say have one highest court of judiciary for the entire province located at Allahabad as it is. Let a bench of the same High Court consisting of three judges, one a member of the Provincial Judicial Service, another a member of the Civil Service and a third a member of the Bar ; be located here to look after such cases as may be of the type of original cases or cases of an urgent nature.

Sir, another question has also been raised about the jurisdiction of the High Court or Chief Court with regard to certain districts nearer

[Munshi Gajadhar Prasad.]

to Lucknow or nearer to Allahabad. With one High Court for the entire Province, that question also will not arise.

It has been further remarked by my honourable friend Rai Bahadur Babu Vikramajit Singh, that an Expert Committee in the shape of the Retrenchment Committee has come to the definite conclusion that the work in the Chief Court is not enough for five judges and as a matter of fact three judges could easily dispose of all that work. The work of the High Court on the other hand is much more. As long as the arrears of the High Court are not disposed of, I would suggest with great respect that two judges of the Chief Court may be sent to work in the Allahabad High Court, and the rest of the work here could be carried on by three judges. When the arrears have been disposed of they may return to Lucknow, should the work in the Chief Court demand their presence here again. We have to look to our finances and must take a bold step. I am speaking purely from the financial aspect. In that view of the matter, vested interests should not matter. Sentimental considerations and past traditions too, as has already been pointed out by my friend Mr. Ali Zaheer, a leading member of the Bar of the Chief Court at Lucknow, should not at all be taken into consideration. With these few words I support the motion.

The Hon'ble the Home Member: Sir, the points put forward by the mover of the resolution were three. He said that in the interests of economy he would like to suggest either to reduce the number of the judges or to amalgamate the two courts, or to redistribute the territory between Agra and Oudh. About point no. 1, about reduction of the judges, the honourable members are aware that it cannot be done without legislation. We will have to inform the Secretary of State, we will have to amend the Chief Court Act here and it is then that we will be able to reduce the number of the judges. This process in itself will take time and immediate economy cannot result. Now coming to the other question of amalgamation. That question is not by any means as easy as some of the honourable members here think. My honourable friend, who is one of the leading members of the Oudh Bar, Mr. Ali Zaheer, in a very generous minded manner agreed with it, but at the same time he gave away the whole show when he said that the amalgamation will be only in name. I beg, Sir, to assure him that it will not be only in name when it is amalgamated. The High Court will have full power to have as many judges in Lucknow as they like, and the number of judges will be according to the work here. It is not necessary that they should always allow five judges to sit. Similarly, the redistribution of the territory will be according to the convenience of the High Court. It is quite possible that they may decide that a district like Partabgarh which is nearer to Allahabad than Lucknow should have all its cases heard at Allahabad instead of coming to Lucknow. Otherwise, if it is only in name, there will be no economy. On the other

hand we will have to raise the salary of the Chief Court Judges, and instead of economy it will become a more costly institution.

Now coming again to the third point of redistribution of territories, that cannot be done without the Secretary of State's consent, and I think—I am not sure—without the Act of the Parliament. Besides this fact if we redistribute territories, we will have to consult the Bar and the people of the territory whom we are going to put under the Chief Court.

Rai Bahadur Babu Vikramajit Singh: No Charter is needed. It can be done under the Government of India Act or by the Governor in Council.

The Hon'ble the Home Member: I am not quite certain of that. I am under the impression that it cannot be done without the Secretary of State's consent and perhaps without an Act of the Parliament. But this is not all. Suppose you wish to put Bareilly division here, don't you think it will be necessary—and it is correct—to ask the people of Bareilly division whether they would like to be included in the area of the Lucknow Chief Court and taken away from Allahabad. After all in these days of self-determination how can you possibly enforce a decision upon people if they themselves do not agree with that?

I do admit that work is in arrears in the Allahabad High Court and the work of the Chief Court is more up to date. These facts are there. But then I wish to inform the honourable members that the High Court are trying to devise means to increase their output, I may say that Government is also to be blamed in a sense that in spite of the arrears, in the interest of economy, we could not replace the additional Judge, which they would have very much liked to have replaced and who has retired lately. But we did it because of economy and retrenchment. In the end I only wish to say that the position is full of difficulty. We are keeping it in mind. I see no solution at present, but if I find that we can have any solution, I will try to do it. I cannot give any other undertaking besides this at the present moment and the honourable member will realize the difficulty.

Mr. Brijnandan Lal: Sir, I plead guilty to the charge of having brought this question before the House for the first time in the life of this Council. I did it not because that amalgamation will bring more money into my pockets. I showed by the figures that I cited that on the one hand there is the Allahabad High Court in which people have to wait for years and months before their cases are decided, and on the other hand there is the Chief Court in which there is not sufficient work for the Judges to do. Insolvency is staring people in the face, and I thought that in the interest of economy it was best to amalgamate the two courts. I have been hearing from Sheikh Muhammad Habibullah for the last three or four days complaints, aspersions

The Deputy President: The honourable member should put forward his complaints on some other occasion, as it is already half past four.

The question is that under head "Administration of Justice" a sum of Rs. 60,12,053 be granted.

The question was put and agreed to.

The Council was then adjourned at 4:30 p.m. till Tuesday, the 8th of March, 1932.

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